

F
137
.F34



Class _____

Book _____

A SKETCH
OF THE
LIFE & CHARACTER
OF
JOHN FENWICK,
BY
JOHN CLEMENT.



Published by the
FRIENDS' HISTORICAL ASSOCIATION,
OF PHILADELPHIA. *and by it presented to*
Daniel T. Gough, Indianapolis, Ind.
July 1875.

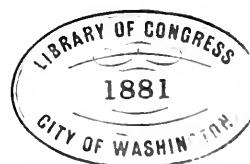
PHILADELPHIA :
HENRY S. VOLKMAR, STEAM-POWER PRINTER,
30 & 32 SOUTH SEVENTH ST.
1875.



A SKETCH
OF THE
LIFE & CHARACTER
OF
JOHN FENWICK,
BY
JOHN CLEMENT.

Published by the
FRIENDS' HISTORICAL ASSOCIATION,
OF PHILADELPHIA.

PHILADELPHIA :
HENRY S. VOLKMAR, STEAM-POWER PRINTER,
30 & 32 SOUTH SEVENTH ST.
1875.



Melish
1675



LIFE AND CHARACTER

OF

JOHN FENWICK.

THE reader of history is naturally drawn towards a more intimate acquaintance with the persons by whose acts such history originated, to be better informed in regard to the lives, characters and motives of such; and more familiar with the resources, the talents and the leading traits of those whose names cannot be separated from its inception and development. So much of interest is embodied, that the inquiring mind tends in that direction involuntarily, and every incident relating thereto is duly considered. The causes that originated the purpose intended are sought for, and the inquiry does not end until they be fully traced. Whether the object to be attained be disinterested or selfish; of personal aggrandizement or enlarged philanthropy; whether actuated by religious zeal or military ambition, the first participants draw around them the thoughtful consideration of every student. The lapse of time adds to the obscurity of events that bear upon a subject sought to be understood, leaving many things im-

possible of explanation however carefully examined. Wrong conclusions are too often arrived at for want of proper evidence, and errors allowed to creep in and be accepted, which in the light of truth would at once be swept away. If the motives that control the actions of men be not understood or appreciated by such as are contemporary with them, scarcely as much need be expected of those who are forced to draw their opinions from results only, and that after centuries have passed away. The heat of party controversy, the rivalry of ambitious persons, and, too often, the spirit of envious detraction, hides the real object of individuals, and leaves inquirers in doubt forever after. The history of the first settlement on the shores of the American continent under the patronage of the British government, although not very remote in point of time is not satisfactory nor free from doubt in many particulars. The religious and political agitations, then existing within the realm, increased the difficulty of reaching the truth, and hence much is left to inference and speculation. Not to go beyond the Commonwealth, enough may be seen in the unsettled condition of Great Britain to convince, that every incident relating to religion or polities, bears a partisan hue, and cannot be seen in its proper light. The persistent endeavor of one party to get advantage of and destroy the other, left but little opportunity to strip their motives or actions of prejudice and arrive at a fair and dispassionate conclusion.

During these excitements, and while this condition of things existed, John Fenwick was born and reared in their midst. The elements of strife were infused into his education and he regarded

military success as the great purpose of life. The old feudal system as established by William the Conqueror had not passed away, but the light of education and free opinion was loosening its hold upon the people. The divine right of Kings was being questioned and the prerogatives of the Crown better defined. These were steps in the right direction and ended in the overthrow of the Government. No man of any decision of character could remain neutral amidst these contests between the people and the King, and John Fenwick found himself on the popular side and in Cromwell's army. He was the second son of Sir William Fenwick, Baronet, who represented the county of Northumberland in the last Parliament under the Commonwealth (1659), and one of four brothers, Edward, John, Roger and Ralph. In 1640 Sir William had his residence at Stanton Hall, of Stanton Manor, in the parish of Horsely, Cumberland, and where he had considerable landed estate. The mother, Elizabeth, was perhaps of one of the border families, and brought to her husband additional property; increasing his wealth and influence. John was born, A. D. 1618, at Stanton Hall, but the day of the month is not known. In 1636 he was styled Knight and Baronet, and five years after that time he married Elizabeth, daughter of Sir Walter Covert, Knight of Slangham, Sussex. This lady was mother of his children, and from her came the direct and collateral branches in New Jersey. The family was of Saxon origin and formed a powerful clan in Northumberland. Their ancient fastness was in the fenny lands about Stamfordham a small town near the southern boundary of the shire before-named.

During the reign of Henry I (A. D. 1100) the head of the house was advanced by the King, and with various changes it was prominent in England for several centuries. In Burke's valuable work on the "Extinct and Dormant Baronetcies," reference is made to this name, with much reliable and interesting information.

The clan was known as the fierce Fenwicks and the fearless Fenwicks. Their slogan or war cry was "A Fenwyke!"—"A Fenwyke!"—"A Fenwyke!"—The clan was the constant ally of the Percies; attended them on all occasions and known throughout the border as brave and faithful soldiers. The seat of the House of Percy was at Alnwick Castle, in Northumberland, one of the most ancient and formidable in that region. Of the family it has been said, "not more famous in arms than distinguished for its alliances, the House of Percy stands pre-eminent for the number and rank of the families which are represented by the present Duke of Northumberland, whose banner consequently exhibits an assemblage of nearly nine hundred armorial ensigns, among which are those of King Henry VII; of several younger branches of the blood royal of the Sovereign Houses of France, Castile, Leon and Scotland, and of the Ducal houses of Normandy and Brittany; forming a galaxy of heraldic honors altogether unparalleled."

The Ducal seats include four castles, Alnwick, Warkworth, Kellder and Purdoe, in Northumberland, Stanwick and Warrington Parks, Lion House and Northumberland House.

Sir Walter Scott, whose accuracy as an antiquarian, was only excelled by his gifts as a poet and novelist, has Lady Heron to use in her song

before James IV, King of Scotland, these words:—

“O, young Lochinvar is come out of the West,
 Through all the wide border his steed was the best,
 And save his good broadsword, he weapons had none,
 He rode all unarmed, he rode all alone;
 So faithful in love and so dauntless in war
 There never was Knight like the young Lochinvar!

* * * * *
 * * * * *
 * * * * *

“One touch to her hand and one word to her ear;
 When they reached the hall door and the charger stood near,
 So light to the croupe the fair lady he swung,
 So light to the saddle before her he sprung;
 ‘She is won! we are gone over bank, bush and seaur;
 They’ll have fleet steeds that follow,’ quoth young Lochinvar!

“There was mounting ‘mong Graemes of Netherby Clan,
 Forsters, *Fenwicks* and Musgraves, they rode and they ran:
 There was racing and chasing on Cannobie Lea,
 But the lost bride of Netherby ne’er did they see;
 So daring in love and so dauntless in war,
 Have ye e’er heard of gallant like young Lochinvar!”

The beauty and talent of Lady Heron infatuated the King, much to the scandal of the court. The defeat of his army and his own death at Flodden field has been imputed to his gallantries in that direction; a fertile subject for gossip and poetic effusion. The Tower of Fenwick at Widdington, in Northumberland, near the coast of the North Sea, shows its antiquity in its rude strength and scanty

limits, similar to those built by the Saxon invaders during the fifth and sixth centuries. This was probably the first seat of the family after their coming over and whence it may be traced through many of the shires in England.

In the ninth year of the reign of Edward III (1334) an inquisition was had of New Castle Castle and Johannes Fenwick was twice appointed sheriff. During that time it was much enlarged and strengthened, being an important point of protection and defence against the Scotch. In these warlike times this place had no commercial importance but has grown to be one of the largest ports in England.

The emmities of former generations have passed away and what was once a necessary appendage to every town, is now visited by the curious to see the means of defence in a barbarous age. In the twelfth century Sir Robet Fenwick, of Northumberland, endowed the Abbey of New Minster, in the same shire, with two parts of his villa of Irdington, in Cumberland, thus showing his liberality towards and his adherence to the Catholic Church.

These endowments of lands, which at that day in many cases had but little value in themselves, as time progressed and the resources of the nation were developed, yielded large revenues to the Church and its adherents. By this means were the old edifices reared, combining beauty, grandeur and strength in a wonderful degree, showing that however rude and barbarous our ancestors may have been, they were skilled in every department of ornamental architecture. Well may the English nation be proud of the many ruins of towers, castles, abbeys and churches now standing within its borders which

even in their delapsed condition are not excelled by modern art.

** ** ** ** ** ** ** ** ** **

"But though destroyed by deyastation's hand
By fury guided, or outrageous zeal;
Your ruins now, majestically grand,
Bid solemn contemplation there to dwell."

In the ninth year of King Henry VII (1517) Roger Fenwick, Esq., was appointed constable of the same castle, showing that through several centuries the family had not only remained in this place but was in favor with and had the confidence of the ruling monarchs. Although no continuous history of the family can be had, nor any complete genealogy secured, yet enough is gathered to show that talent, loyalty and courage were not wanting, and appreciated always by their sovereign.

As time advanced this element was tempered by more peaceful pursuits, and the work of the soldier gave way to the duty of the citizen. The nations emerged from war and found that peace developed industry, plenty and contentment among the people.

"Time rolls his ceaseless course. The race of yore,
Who danc'd our infancy upon their knee,
And told our marvelling boyhood legends store,
Of their strange ventures happ'd by land or sea,
How are they blotted from the things that be!
How few, all weak and withered of their force,
Wait on the verge of dark eternity.
Like stranded wrecks the tide returning hoarse,
To sweep them from our sight! Time rolls his ceas-
course."

Another century and the seeds of Revolution began to germinate. Tyranny and oppression eventually produced a harvest of bloodshed, rapine and war. In this was involved the King, the nobility, the gentry, the Church and the people. Neutrality could not exist; all were drawn into a common vortex, and again the Fenwicks appear upon the surface. John Fenwick, the subject of this sketch, having passed through his law studies at Grays Inn, London, (1640) abandoned his profession for a season and accepted an appointment in the Parliamentary army. His first commission reads as follows:

"You are hereby ordered and required as Major under Colonel Thomas Barwis in his regiment of cavalry which was raised in the county of Westmorland to assist the garrison of Carlisle, and to exercise the officers and soldiers under his command according to the discipline of war. And they are hereby required to yield obedience unto you as Major of said regiment. And all this you are authorized unto, until the pleasure of the Parliament or the Lord General be known.

Given under my hand and seal at Bernard Castle, 27th of October, 1648.

O. CROMWELL.

To John Fenwick, Major. These."

In the same year he was ordered by the Parliament, with horse and dragon to relieve Holy Island Castle, in Durham. It was besieged by the royal troops and well nigh captured, when he appeared and defeated the enemy. He was an active and efficient officer, having the confidence of the Parliament and the Protector. After the trial and sentence of the King, he was detailed as commander of cavalry, in conjunction with the foot troops under

Colonel Hacker, Colonel Hanks and Lieut. Colonel Phayor, to attend the execution.

The order ran in this wise:—

"These are therefore to will and require you to see the said sentence executed in the open streets before Whitehall, upon the morrow, being the thirtieth of this instant, month of January, between the hours of ten in the morning and five in the afternoon of the same day, with full effect. And these are to require all officers and soldiers and others the good people of this nation of England to be assisting unto you in this service.

Given under our hands and seals, &c., &c."

This warrant was signed by all the members who sat as Judges upon his trial, and the most of whom witnessed the carrying out the sentence. In the discharge of this important and delicate duty the most reliable officers and the best disciplined troops were selected, which placed John Fenwick among the first of these in the army about London at that time.

The religious status of John Fenwick during this period is doubtful and contradictory. While he was with the army he became a convert to the opinions of George Fox, and by a certificate dated February 11th, 1649, he is shown to have been a member of the Independents, a denomination of Christians more Presbyterian than Quaker. Be that as it may he eventually adopted the principles and practices of Friends and adhered to them until his death.

Many of the soldiers in the army of the Commonwealth regarded praying and psalm-singing as consistent with carnal warfare, and believed that the sincere observance of the one, added force and prowess to the other. Among the preliminaries to any

important military undertaking religious exhortations was a leading feature. Although the strictest discipline was enforced, yet the zealots in the army were allowed to proclaim their fanatical views and impress upon the soldiers that they were doing God's service. Subordination was complete; no duty was too onerous, and no service too dangerous. Whether Major Fenwick was a participant in these military devotions does not appear, but it is patent that he ranked among the best and enjoyed the confidence of those around him. No means are at hand to follow him through the Protectorate to the restoration of the old regime under Charles II (1660). It is probable he held some civil position under the government, for which his legal knowledge rendered him capable, but not of sufficient importance to make prominent his name. After the return of Charles, he doubtless accepted the Act of Indemnity and saved his person and estate from molestation.

Tracing him to this time from an historical and genealogical standpoint, his career will now be considered in connection with the purchase of, removal to, and settlement in West New Jersey. It is proper here to say that his wife, Elizabeth, had deceased, leaving him three daughters, Elizabeth, Ann and Priella. He subsequently and before this period married Mary Burdett, a blood relation of his own, as they were cousins to Edward and Sir Francis Burdett. By this marriage there was no issue. The tradition connected with his paternity, and passed through so many generations, accepted by some and rejected by others, should be considered here. To say that he was not a half brother to Charles Second, King of England, would perhaps

be assuming too much, although nothing appears to prove the affirmative of this assertion. The gallantries of the King were proverbial; hence the plausibility of the story and which by many come to be accepted as true. If, however, the royal blood colored his veins and infused into his character and disposition the idea of exclusiveness and authority, so palpable in many of his acts during life, it came from the first and not the last of these monarchs. The chance of such a story being true is too apparent to be denied, but may be accounted for in this wise. The first son of Charles Second, not recognized by law, was James, Duke of Monmouth, beheaded 1685, whose mother was Lucy Walters. James married Anne Scott, heiress of Buccleugh, whose second son, Henry, married Elizabeth Fenwick, thus connecting the family with the blood royal, but several removes from John. Nothing short of a careful examination of the family genealogy in England will settle this point which, for the neglect, may always remain a mooted question. The surroundings of this romance give it an excusable credence, particularly among those of the same line, and add much interest to the person who bore the blood to America. Save a legal distinction, the common father made him equal with Charles Second, and the descendants of John Fenwick's daughters are infused with the same blood as the descendants of the recognized royal son, when in the same degree removed. For the novelist here is a fertile field, and where may be indulged, within the verge of truth, some of the loftiest flights of imagination. The whole life of the founder of Fenwick Colony is prolific with material, which if clothed in

the beauties of romance would be at once interesting and attractive.

Before referring to the several transfers of the territory in America called New Caesarea, there is manifest propriety in saying something of the persons and their history interested therein. John Lord Berkley and Sir George Carteret were two of the persons who followed the second Charles of England into exile after the death of his father and during the Commonwealth. They adhered to his fortunes and remained faithful to his person. His adversities did not weaken their friendship nor the dangers that surrounded him induce them to forsake his cause. Such attachments could not be disregarded and these persons among others became the recipients of his favor. In the Charter of Charles II (March 24th, 1663), to convey the soil and government of territory in America called Carolina, Berkley and Carteret were among the grantees, and in the words of the Charter "being excited with a laudable and pious zeal for the propagation of the gospel, begged a certain country in the parts of America not yet cultivated and planted, and only inhabited by some barbarous people who have no knowledge of God," the purpose of the grantees are thus shown. How far the expressed intentions of these men were carried out, or with what laudable and pious zeal they furthered their speculations, must be sought for in the history of those states and need not be enlarged upon here.

The next year after this charter the Duke of York conveyed to John Lord Berkley and Sir George Carteret (June 24th, 1664) a certain tract of land in America "hereafter to be called New

Caesarea, or New Jersey," done no doubt by request of the King and through his influence with his brother. The standing of these gentlemen before the public and in the responsible positions they held, if history be true, was certainly very questionable, for the reasons hereafter stated. The first held an honorable place at court near the person of the King, but was detected in the basest corruptions and forced to resign his office. His intercourse with the Duke of York was also interrupted by similar transactions and disgrace followed their exposure. The second was expelled from the House of Commons as a participant in legislative bribery and other dishonest practices; both were notorious for the peculations and breaches of faith wherever connected with the operations of the government. Although these persons deserved other and severer punishment, yet Berkley was made Baron of Stratton in 1658, appointed Lord Lieutenant of Ireland in 1670, and Ambassador to France in 1674. Carteret was appointed Treasurer of Ireland and continued in that position by the King while charged with the most disgraceful abuse of office. Public opinion could not influence his Majesty against them, no matter how palpable the proof, for the reason that they had been faithful to him when it was beyond his power even to remunerate them for services already rendered. However commendable such sentiments may be in private life they will receive condemnation when indulged in to the injury of the government.

At the time of the restoration John Fenwick had fully adopted the opinions and practices of George Fox and suffered much in person and estate therefor. In 1666 he was taken from a meeting of Friends,

in Buckingham shire, and confined in the common jail.

From some of the ancient records of cruelty to the Quakers the following extract has been made:

"Bucknel, (Berkshire), 17th of the Fifth month, 1670, Friends being according to their usual manner met together at John Dragg's house, there came in William West, informer, and Robert Dawlins, informer, and another assistant. One of them said to the other, here is none that speaks, let us go our way; and so they went forth; in a little time went into the meeting again and the informer said, we had best take their names, and plucked out of his pocket some small pears and threw them down and said, here is pears; if boys were here they would scramble for them, and laughed. So they took Friends' names and went and informed Edward Sawyer, Knight and Justice (so called), who gave forth a warrant to distrain Friends' goods, although he confessed there was no speaking or praying proved; and James Gatts, constable of Binfield, assisted with two more, went to John Fenwick's and demanded of him five shillings for being at said meeting, and John Fenwick refused to pay; and they went away, and two days after the said constable, assisted with John Beldam, church warden, and Hugh Taylor, Tythingman, came again to John Fenwick's house and climbed over his gate and endeavored to force the best horse John had over the hedge out of his ground, and Mick Todd, Tythingman and our servant, a cobbler, stood ready to have it away, but being discovered and ashamed, the constable went into John's stable and took a pair of harness, worth eleven shillings, for five shillings, and so like thieves they went back over his gate again greatly rejoicing in what they had done."

Like many others of his religious belief he published in pamphlet form several answers to others against their doctrines and manner of worship, none of which, however, have been preserved to the present. No denomination of Christians, perhaps, at that day put so much printed matter before the

public in defence and vindication of their peculiar views as Friends. Joseph Smith, of London, has, after many years of labor, collected, arranged and published a large majority of the titles to these, and as far as possible discovered and given the authors' names.

March 18th, 1673, John Lord Berkley conveyed to John Fenwick his undivided moiety of New Cesarea, or New Jersey, for the sum of one thousand pounds sterling and a royalty of forty beaver skins annually. This grant had upon its surface the appearance of good faith and that of a *bona fide* transaction, yet it was scarcely executed before its intention was suspected and its validity endangered. Edward Byllynge, a friend and associate of the grantee, at once became an important and conspicuous personage in these transactions to the exposure and defeat of plans well matured, and doubtless to his chagrin and discomfiture. He was born in 1628, a resident of Westminster, London, where he carried on the business of Brewer. In the latter years of his life he lived in the parish of St. Botolph, Aldgate, part of the same city, and died the sixteenth of the Eleventh month, 1686. He served as an officer in the army of the Commonwealth, and while at Leith, in Scotland, was convinced of the correctness of the doctrines of George Fox, by his preaching. He had been living apart from his wife but was induced to receive her again and they afterwards lived happily together. He published several pamphlets in behalf of Friends, between 1659 and 1665, all of which were printed in London. In 1684, with others, he was tried at Guildhall, London, for attending a meeting at White Hart Court and

creating a riot, &c. He was found guilty, and fined four nobles, which he refused to pay, and in that default was sent to Newgate Prison for three weeks. He became involved in his financial affairs and to avoid the payment of his debts procured the above-named conveyance to be made to John Fenwick, the purchase being with funds furnished by himself. The number of his creditors and the amount of his debts lead to close inquiry in regard to his estate, and it was discovered that he was interested in this transaction, designed to defraud them in their just demands. The position in which Fenwick and Byllynge found themselves was not an enviable one and soon brought about much bitter controversy. These criminations were not only made between Byllynge and his creditors, but Fenwick and he quarrelled as to the interest of each in the estate conveyed. Much notoriety was given to it, but all parties being Friends the contest was kept within control of the society and settled according to the rules of the same. John Fenwick was then a resident of Bynfield, in Berkshire, a small town near Windsor Castle and about thirty miles from the city of London. It is possible he had returned to his profession and was the legal adviser of Byllynge in the disposition of his estate to avoid the payment of his debts.

In this originated with John Fenwick the idea of planting a colony in America; of becoming the head of a great enterprise, and gratifying his ambition. Here was the conception and here it was made to germinate and develope its attractions. How tenaciously this idea was adhered to, and what was accomplished, have long since become matters of

history. As a means of adjusting the existing difficulty William Penn was chosen as arbitrator and discharged the duty faithfully to all concerned.

The creditors of Byllynge may be divided under two heads: the Yorkshire and the London creditors, and whose demands amounted to one thousand five hundred pounds sterling. No means were apparent to them of obtaining satisfaction unless William Penn was convinced that Byllynge's money was involved and which they claimed should be awarded to satisfy their demand. John Fenwick in his response denied the whole charge and demanded that the deed should not be questioned; giving to him an absolute title to the territory conveyed. Byllynge at last admitted the truth of his creditors' assertions, which made the dispute more easy of solution, and put an end to the several questions involved. The decision was that Fenwick did not really own more than one-tenth of the whole, and that the balance should be used to pay Byllynge's debts. By this Fenwick was sadly chafed, as it not only exposed his bad advice in the plot but that he was a party to Byllynge's dishonesty and at first refused to abide the award. He wrote several ill-natured letters to William Penn which were responded to, however, in a calm and dispassionate manner. Two of them are here copied:

"JOHN FENWICK:—The present difference betwixt thee and Edward Billinge fills the hearts of Friends with grief, and with a resolution to take it, in two days, into their consideration to make a public denial of the person that offers violence to the award made, or that will not end it without bringing it upon the public stage. God the righteous judge will visit him that stands off. Edward Billinge will refer the matter to us again; it

thou wilt do the like, send me word, and oppressed as I am with business I will find an afternoon to-morrow or next day to determine and so prevent the mischief that will certainly follow divulging it in Westminster Hall. Let me know by the bearer thy mind. O John! let truth and the honor of this day prevail. Woe to him that causeth offences! I am an impartial man.

WILLIAM PENN."

Still Fenwick stood off and insisted that improper motives had actuated the arbitrator in the award, and Penn addressed him a second letter in these words:

"JOHN FENWICK:—I have upon serious consideration of the present difference (to end it with benefit to you both, and as much quiet as may be) thought my council's opinion very reasonable—indeed thy own desire to have the eight parts added was not so pleasant to the other party that it should now be shrunk from by thee as injurious—and when thou hast once thought a proposal reasonable and given power to another to fix it, 'tis not in thy power, nor indeed a discreet or civil thing, to alter or warp from it and call it a being forced. O John! I am sorry that a toy, a trifle, should thus rob men of their time, quiet and more profitable employ.

I have had a good conscience in what I have done in this affair, and if thou reposest confidence in me and believest me to be a good and just man, as thou hast said, thou shouldst not be upon such nicely and uncertainty. Away with vain fancies, I beseech thee, and fall closely to thy business. Thy days speed on, and make the best of what thou hast. Thy grandchildren may be in the other world before the land thou hast allotted will be employed. My council, I will answer for it, shall do thee all right and service in the affair that becomes him, who, I told thee at first, should draw it up as for myself. If this cannot scatter thy fears thou art unhappy, and I am sorry.

Thy friend,

WILLIAM PENN."

At last, however, he yielded to the better counsel of that great man and accepted the award, but never changed his mind as to its injustice to himself. The last recorded act of his life shows that he bore the same sentiments to the end of his days, as in the preface to his will he used these words:—

"I, John Fenwick, late of Binfield, in the County of Berks, within the kingdom of England, Esq., late absolute lord and chief proprietor, by law and survivorship, of the Province of New Caesarea, or New Jersey, and now of Fenwick Colony, who doth hereby, as he bath in the hazarding of my life, appeal to the Almighty God, and doe now appeal to him who is my witness, that I never cheated any man nor went about to cheat, circumvent nor defraud Edward Byllynge. But he, Gauen Laurie, and others his creditors, and others his faccon, hath most covetously and most un-x-tianly dealt with me as I have often declared, and particularly in my just claims and remonstrance. Whom I doe freely forgive and heartily desire God, the searcher of all hearts, to make them sensible of it," &c., &c.

The deed from Fenwick and Byllynge (February 9th, 1674) to William Penn, Gauen Laurie and Nicholas Lucas, put an end to the trouble and restored peace and tranquillity between Byllynge and those to whom he was indebted. This was for the whole moiety of New Jersey, reserving only to Fenwick ten parts which were described by numbers: the whole being divided into one hundred lots. The reservation was simply a memorandum on the back of the deed; setting out, that one hundred lots had been made, to be supposed on a map of the territory in question, and that one hundred pieces of paper

had been placed in a box, respectively numbered, of which John Fenwick drew out ten, numbered as below set forth. Whether the Trustees ventured in the lottery does not appear, in fact nothing is known of the manner of selection except what can be gathered from the memorandum which reads as follows:—

“**MEMORANDUM:**—That the seventh of the Third month, one thousand six hundred seventy and five, John Fenwick drew the following numbers, viz:—20, 21, 26, 27, 36, 47, 50, 57, 63, 72, as his proportion of the one moyetie of New Caesarea, or Jersey, being divided into one hundred lotts, and that he had accepted of the same, and the Trustees for the other lotts well satisfied therein. In testimony of which they have interchangeably set their hands.”

Witness:

ROBERT SQUIBB, JR.,
WILLIAM ROYDON.

Signed thus:

WILLIAM PENN,
GAUEN LAURIE,
JOHN FENWICK.

This selection, it will be remembered, was made before John Fenwick had left England and controlled him in the selection of the part of the territory he would place his colony, and it is supposable, also, that the lots adjoined each other although the numbers were not consecutive. Some mystery has always surrounded this part of the settlement between Fenwick and Byllynge, and as no map of the divided lots appears on record it may never be explained. It can only be conjectured, however, that Oldman's

Creek, or Berkley River, was the most northerly boundary and that the lots extended down; fronting on the Delaware River, perhaps, to West Creek. The peculiarity about the whole transaction is that this appears to be the only title Fenwick obtained and under which all subsequent conveyances were made, without any question of deficiency touching the same. No discouragements seem to have deterred him from going forward with his enterprise and he soon found responsible persons sufficient to join him and make a colony. He published an address which was widely circulated and attracted the attention not only of the public but of the society of which he was a member. It read in this wise:—

“AN ADDRESS. *Friends*:—These are to satisfy you or any other who are sober and are any wise minded to go along with me and plant within my colony, that we shall no doubt find but that New Caesarea, or New Jersey, which is the place which I did purchase, together with the government thereof, is a healthy, pleasant and plentiful country, according to the report of many honest Friends and others, who have been there, and the character given thereof, by John Ogilby, in his America, which I herewith send. The method I intend for the planting of all or so much thereof as I shall reserve to myself, my heirs and assigns forever,” &c., &c.

John Ogilby's History of America was printed by himself in London, in 1671, and, as he says, “for sale at my house in White Fryers,” &c., &c. It is a ponderous folio volume of nearly seven hundred pages, illustrated after the style of the times, and

rather florid in its descriptions of the subjects therein considered. If half the promises could have been realized, the only wonder is that the people did not transport themselves to America and leave England without an inhabitant. The "Address" bears date the First month 8th, 1675, and was condemned by Friends as much for its endorsement of John Ogilby's book and its flattering promises, as for any questionable inducements in itself contained. They issued "a testimony" warning the too credulous and showing the possibility of its being a scheme to sell the land rather than benefit the purchaser. The inducements held out, it was supposed, could not exist, and those who became parties to the enterprise must eventually suffer. It was a step in the wrong direction, for it gave notoriety to the scheme; gave the projector an opportunity to reply and enlarge upon the advantage to be derived; induced many to inquire further; and ended in a decided advantage to Fenwick. The "method" referred to is laid down in the two agreements or form of government adopted by the adventurers, dated the 24th and 28th of June, 1675, which was a representative democracy, pure and simple. It was unexceptionable, and undoubtedly was one of the attractions, as it placed all upon an even political basis, so different from the government under which they were then living.

Another difficulty however now rose up equally as troublesome as that with Byllynge. With an eye single to the success of his project, and regarding every thing secondary thereto, he had neglected to pay his butcher, baker, tradesman and shopkeeper. Knowing that he was about to leave the country, the time had come for the discharge or the security of

these debts, and no further delay was to be indulged in. He was indebted to

	£	s.	d.
Mary Ashfield,	17		
Philip Ward,	15	16	0
Edmund Burdett, Linen Draper,	18	13	11
John Fleming, of the Chancery,	10	0	0
Peter Evans,	8	0	0
Abraham Marriott, Mealman in Clothfary,	4	15	6
John Boult, at the Indian Crown,	4	13	0
The Wine Cooper in Bartholemew Close,	0	18	2
Thomas Dove, in Bedford Perry Chandle,	0	18	0
John Dredge, of Bracknell in Berks,	7	0	0
John Smith,	3	0	0
Daniel Quare, in St. Martins,	3	5	0
James Brack, of Westminster, Vinta,	1	2	0
Thomas Bennett, of St. Martins, Wool Draper,	6	18	7
Margaret Goldsmith,	4	11	11
Thomas Bank, Attorney at Law,	8	10	0
John Eyer,	2	16	10
Joseph Ellis, Salesman,	2	1	0
The Saddler in St. Martins,	4	15	8
John Budd, of St. Martins,	2	10	0
Jos. Boneton, Goldsmith,	3	10	0
John Osgood,	2	10	10
Samuel Newton,	4	0	0
The Cooper, for Caiks,	0	4	0
John Gramen, for Meal and Biskett,	9	3	0
Peter Pool,	6	16	0
	1	0	0
Elizabeth Hubbs, Widow, of St. Martins,	0	19	0
To the Fishmonger in Crooked Lane,	0	17	0
Thomas Biddle, Shoemaker,	1	2	0
John Due, for Work,	—	—	—

No way of escape presented itself. Imprisonment for debt stared him in the face, a condition of things that would delay if not defeat his purpose.

Two friends of his, however, came forward and released him from the immediate embarrassment, but who in the end proved a source of much trouble to him as well as many others associated with him. John Edridge, of Shadwell, Middlesex, tanner, and Edmund Warner, citizen, and poulterer, of London, not only assumed the payment of the foregoing debts but advanced money to assist him, which doubtless he much needed. July 17th, 1675, they accepted a deed, in the nature of a mortgage, for the ten parts to secure the payment of one hundred and ten pounds, fifteen shillings, advanced themselves, and the discretionary discharge of the debts before-named. By this deed they had the right to sell and convey land in the ten parts, accounting to the grantor of their deed for the purchase money and crediting the same on account of their demand. They assumed to pay some of Fenwick's creditors, named in the schedule attached to the mortgage, always accounting for moneys received from land sold and paid to persons so by them favored. In this conveyance was an exception of all the land previously sold by the grantor, which by the record proves to have been many thousand acres.

In 1674 he sold William Malster, 5,000 acres; John Adams (his son-in-law), 2,000 acres; and William Hughes, 500 acres. In April, 1675, he sold Edward Wade, 1,000 acres; John Ashfield, 10,000 acres; John Bingham, 1,000 acres; Arthur Bowyer, 500 acres; Thomas Hutchinson, 2,000 acres; John Smith, 1,000 acres; William Hancock, 1,000 acres. In May of the same year he sold John Edridge, 10,000 acres; Thomas Beakes, 2,000 acres; John Maddocks, 1,000 acres; Thomas Anderson, 1,000 acres; Edward

Bradway, 1,000 acres; Richard Hancock, 500 acres; Peter Huff, 500 acres; Richard Noble, 2,000 acres; Samuel Land, 500 acres; John Cann, 500 acres; John Townsend, 1,000 acres; John Pledger, 3,000 acres; Hipolitt Lefever, 3,000 acres; Christopher White, 1,000 acres; and Richard Guy, 10,000 acres. In June of the same year he sold Edward Bowne, 20,000 acres; Edmund Warner, 10,000 acres; Richard Rickston, 4,000 acres; Edward Champneys, 2,000 acres; Thomas Manwaring, 10,000 acres; John Nichols, 2,000 acres; Edward Duke, 6,000 acres; Samuel Nicholson, 500 acres; Jos. Nettleshipp, 2,000 acres; Thomas Pile, 10,000 acres; Nessimus Nettle- shipp, 2,000 acres; Thomas Clarke 1,000 acres; John Backstead, 5,000 acres; Edward Gray, 1,000 acres; Roger Hutchins, 500 acres; Elizabeth Smith, 500 acres; Robert Wade, 500 acres; Joseph Helmsley, 1,000 acres; Joan Harding (widow), 1,000 acres; Edward Harding, 2,000 acres; John Cassimir, 1,000 acres; John Flemyngh, 2,000 acres; and John Hard- ing, 2,000 acres. In July of the same year (and before the execution of the mortgage) he sold Henry Salter, 10,000 acres; and James Wasse, 5,000 acres.

It is possible other deeds were made but not entered upon the registry in London, where by agreement one was established. A double purpose was accomplished by these sales, of providing the Patroon with additional funds and of securing the influence of others in his favor. The selection, locating and surveying were to be done according to rules adopted by the adventurers, and which upon the arrival of the colony within the limits of the ten lots was, on the part of John Fenwick, carried out in good faith. Among the many trials and

grievances the people passed through, no complaint appears against the chief proprietor in this regard.

In anticipation of this, an agreement was prepared and signed by Fenwick and many of the purchasers, dated June 24th, 1675, which reads as follows:—

THIS INDENTURE WITNESSETH, that we whose hands and seals are to this writing indented, subscribed and set, purchasers, proprietors, ffreeholders, adventurers and planters in Ffenwick's Colony in New Caesarea, or New Jersey, in America, do severally and jointly covenant, grant and agree, each of and for him and herself and for his and her several heirs, executors and administrators, to and with each other his heirs and assigns by these presents: That the register, or entry of our respective deeds of purchase of land within the said colony now already registered, or to be registered, and also the register of the lands hereafter to be set out to the adventurer and planter within the said colony, shall be accepted, reputed and taken, and is hereby declared to be as good and efficient in the law to all intents and purposes as if the perspective purchaser, proprietor ffreeholder, adventurer or planter wae in the actual or present possession of the same, any law, custom or usage to the contrary thereof notwithstanding. And also that every respective purchaser, proprietor, ffreeholder, adventurer and planter within said colony, shall from time to time and at all times hereafter, according to his or her land purchased and alsoe to be allotted or allowed to him or her by reason of transportation of him or herself or servants into the said colony, be satisfied or contented with his or her descriptive lott or lotts, as the same shall fall or be sett out in Ffenwick's Colony; lotts numbered twenty, twenty-one, twenty-six twenty-seaven, thirty-six, fforty-seaven, ffifty, ffifty-seaven, sixty-three and seventy-two, or in every or any of them, and in such manner, order and method as the general surveyor, by and with the consent and approbation of the said purchasers, proprietors, ffreeholders, adventurers and planters, or assignes resident within the said colony, or the major part of them shall thinke fitt and approve of to be most just and equal. *Provided always*, that if any of the aforesaid purchasers,

proprietors, ffreeholders, adventurers, planters, their or any or either of their assignes, shall dislike, or make any disturbance concerning his or their lott or lotts of land, soe to be allotted and set forth as aforesaid; that then and from thenceforth, every or any such person or persons soe dislikeing or making disturbance as aforesaid, shall be excluded and exempted from any benefitt of such claime or claimes to any the said lands within the said colony, untill such time the said person or persons soe disliking and making disturbance as aforesaid, shall sufficiently signify and show such the justness and reason of their dislike or disturbance to such purchasers, proprietors, ffreeholders, adventurers and planters, or the major part of them, as from time to time shall be chosen and appointed by the major vote of the said purchasers, proprietors, ffreeholders, adventurers and planters, or their assignes, for the regulating, settling and confirming of the same unto him, or her, or them, as aforesaid.

IN WITNESS WHEREOF, we have hereunto set our hands and seals to two parts of these presents, being both of one tenor, the four and twentieth day of the Fourth month, called June, one thousand six hundred seventy and five, and in the seaven and twentieth year of the raigne of Charles the Second, king of England, Scotland, France and Ireland.

Signed thus, and sealed.

JOHN FENWICK,
JOHN EDRIDGE,
EDWARD DUKE,
EDW. WADE,
JOSHUA BARKSTEAD,
ROGER PEDERICK,
RICHARD MORGAN,
WILLIAM HUGHES,—
THOMAS MANWARING,
EDMUND WARNER,
RICHARD NOBLE,
ROGER LURKINGS,
JOHN MADDOCK,

EDWARD BRADWAY,
THOMAS ANDERSON,
JOHN SPOONER,
EDWARD CHAMPNEYS,
RICHARD RICKSTON,
WILLIAM HANCOCK,
JOHN BARKSTEAD,
WILLIAM SHIPPEE,
JOHN SMITH,
JOSEPH HELMSLEY,
THOMAS HUTCHINSON,
by F. H.

Four days after, another paper was signed by Fenwick and others, embodying more fully the

design of the enterprise, and setting out the "methods" of government to be used, as hinted in the address of Fenwick to the people.

The elements of political equality were so palpable in this, and so at variance with the system of government under which they lived, that many were pleased with the scheme and soon followed in the wake of the little company across the ocean. The original manuscript was carried over with them and is now in good preservation in the office of the Secretary of State, at Trenton, with the sign-manual of each written thereon. In this were the seeds of Civil and Religious liberty—however crude and undeveloped—brought to the shores of America; gradually to take root and spread throughout the land. It is a forcible and well expressed document and deserves a faithful perusal. The style and phraseology is peculiar to the times, but not the less plain or to the point. It is here given in full:—

WHEREAS, Charles the Second, king of England, Scotland, &c., did by his grant under the great seale of England bearing date the twelfth day of March, one thousand six hundred sixty and four, unto his royal highness James, Duke of York, his heirs and assigns forever. All that maine land with severall islands near New England, called New Caesarea, or New Jersey, in America, as in and by the same grant upon record may appear. And whereas, his said royal highness James, Duke of York, by lease and release, dated the twenty-fourth day of June, in the sixteenth year of the king's raigne that now is, did grant and confirm all and singular the lands and premises aforesaid unto John Lord Berkley, Baron of Stratton, (one of his majestie's most honorable privy council) and Sir George Carterett, knight and Baronett, their heirs and assigns forever, as by the same may alsoe appear.

AND WHEREAS, also the said John Lord Berkley, the eighteenth day of March, one thousand six hundred seventy and three, did grant, bargaine and sell all his moyetic or halfe part of the said lands and premises unto John Fenwick, late of Binfield, in the County of Berks, Esquire, his heirs and assigns forever, as by the record thereof in the Court of Chancery may appear.

NOW KNOW YE, that John Fenwick hath for divers causes and considerations, granted, bargained and sold unto William Penn, Gauen Laurie and Nicholas Lucas, ninety parts out of one hundred parts of the said moyety, reserving to himself other ten parts, out of which ten parts so possessed, the said John Fenwick hath granted, bargained and sold sundry parecells of land to severall persons, as by their particular deeds, registered in a register to that purpose appointed doth appear, which ten parts of the one hundred parts of land soe reserved, he stands engaged to all purchasers, first to purchase said lands of the natives, then to sett forth thirty or forty thousand acres of land to be allotted among the proprietors and freeholders of the said colony; and the return of every such survey to be registered by certificate from the surveyor and others ye said proprietors and freeholders which shall be chosen to approve of the allotments. And each lot to be marked with the letters of each person's name and numbered according as they are allotted, and each lot soe marked with his, her or their names, and numbered according as divided, shall be taken for a good and sufficient title to every such person or persons, any law, statue or custom to the contrary thereof notwithstanding.

Provided always, that the said several proprietors, purchasers, freeholders and planters shall at all times hereafter upon such and such divisions of the said lands purchased, bee at an equal and proportionable charge and share for the surveying and setting forth of the severall and respective parts or lotts according to the rate hereafter to be mentioned.

AND IT IS COVENANTED, agreed and consented to by all and singular the parties to these presents subscribed, that if any person or persons shall removc, take away and cut downe any such mark or marks, and there be any disturbance about such lott or lotts to be sett out or allotted shall arise, such person or persons shall be excluded from all claime or claimes as he or

they by deed or otherwise shall or may make. That the governor and magistrates shall be chosen by the advice and consent of ye said proprietors and ffreeholders every year, and ten or twelve persons to be elected as aforesaid, to be a councell to remain one year, and then the one-halfe of them to be put out and soe many more chosen in their places and soe from time to time after a yeare service to make a new election of a governor and halfe of the councell, or a continuance of him or them as shall be most convenient, who shall have full power to make such laws and customs for the good of the colony and suppression of vice, as to them shall seeme most necessary and convenient.

AND IT IS FURTHER COVENANTED, agreed and consented to by all and singular the parties to these presents, that all persons that are now or hereafter shall be purchasers of any part of the lands in the colony aforesaid, shall from time to time cause their deed or deeds of the lands soe purchased, if in England, to be registered in the public register of said colony, to be kept in London, within three months after the date of their deeds of purchase, and shall alsoe send over a copy thereof, certified under the hands and seals of the said register, and such person or persons as shall be appointed for keeping thereof, to be registered in the register kept in the said colony, within twelve months after the date thereof; and if the said purchase be made upon the said colony, then the said deeds to be registered in the public register of the said colony, within three months after the date thereof, and a copy certified under the hands and seals of such person or persons as shall be chosen there by public consent of ye said proprietors and ffreeholders, thereto keep the same to be sent to London to be there registered within twelve months after the respective dates thereof. And that all deeds of purchase not so registered as aforesaid shall be of none effect and virtue (the dangers of the seas excepted), any law statute or custome to the contrary notwithstanding.

IT IS FURTHER AGREED by and with the consent of all and every of the said parties to these presents, that the said John Fenwick, his heirs and assigns, shall within thirty days after their arrivall in New Caesarea, or New Jersey, purchase of the Indians thirty or forty thousand acres of land, to be divided among the said several proprietors, purchasers, ffreeholders and

planters, according to the equivalent share and proportion of his, her or their severall and respective proprieties, freeholds and plantations, and that every such person or persons herein concerned shall be satisfied and contented with the remainder of his, her or their severall parts and lotts as the said John Fenwick shall from time to time hereafter purchase of the Indians to be within Ffenwick's Colony.

AND ALL PERSONS that either have purchased or hereafter shall purchase any of the land within the said colony, who shall refuse the subscription of these articles, shall be exempted from all benefits and advantages of the ffreedomes, privileges and immunitiess of the said colony. And also that the rates for the surveying of the severall lotts herebefore mentioned shall be regulated and appraised by the governor and his councell, chosen as aforesaid on the place.

Signed after the interlining of these severall words following (soe reserved) over the twenty-third line, page the first, of this present agreement, (of the said colony) over the twenty-ninth line of this said page, (now) over the sixteenth line of the second page, (his heirs and assignes) over the thirty-first line of the same page, (and appointed) over the fifty-first line of the same page of the said agreement, and all and every of these presents shall from henceforth be reputed and taken as a law in the said colony, any law, statute or custome to the contrary notwithstanding.

Signed the twenty-eighth day of June, 1675.

FENWICK,

JNO. BARKSTEAD,
RICHARD NOBLE,
RICHARD GUY,
ROBERT WADE,
JOHN MADDocks,
THOMAS MAINWARING,
THOMAS DUKE,
EDW. DUKE,
EDWARD BROADWAY,
WILLIAM HUGHES, —
EDWARD CHAMPNEYs,
EDMOND WARNER,
WILLIAM HANCOCK,
JOHN ELDERIDGE,
ROGER PEDERICK,
THOMAS ANDERSON,

RICHARD HANCOCK,

JOSIUUA BARKSTEAD,
HENRY SALTER,
NESIMUS NETTLESHIPP,
EDWARD WADE,
ROGER LURKINGS,
JOHN SMITH, —
JOHN ^{his} ADAMS,
^{mark}
PETER HUFF,
JOHN TEST,
JOHN CANN,
SAMUEL NICHOLSON, —
JOHN HARDING,
EDWARD HARDING,
WILLIAM MOLSTER,
SAMUEL LAND

Having now got clear of the importunities of his creditors, executed and delivered the deeds before noticed, and adopted in connection with his purchasers a general outline of government; the next step was to prepare for the removal of himself and family to the new El Dorado. Other embarrassments came to the surface but of a different character from those before disposed of. There was a want of unity in his family, growing out of the second marriage, and so deep rooted was it, that his wife was not willing to go with him beyond the sea. His daughters, not realizing the perils of the voyage, nor the hardships and privations incident to the settlement in a new country, but filled with the spirit of adventure and buoyant with the prospect of a change, required no persuasion to follow the lead of their father, and join heartily in the work of breaking up their homes and leaving their native land forever. The parent had infused the children with his notions of success and they were proud to know he was head of such an enterprise; that his anticipations and promises were not visionary, but would be more than realized, and that he would in the future be held to be a public benefactor. The letters of his wife, though generally of a business character, show some attachment to him and regard for his affairs, which were in much confusion after his departure. No mention is made of the daughters, with whom in all probability the bad blood existed. Her advice to him in his business relations is good, and if followed more closely would have saved him much vexation.

Preparations went forward, regardless of all obstacles. Only such articles as were actually necessary

to supply the wants of the emigrants could be transported, leaving those of convenience and luxury out of the question. Implements of husbandry, tools for mechanics, material for building, medicines for the sick, and sustenance for the healthy, together with a scanty supply of furniture and household goods must find a place in the ship. The ship Griffin, Robert Griffith, master, was chartered and brought to London for repairs and to receive the cargo and passengers. An entry made by John Smith in one of the books of record (Salem, No. 4) in the office of the Secretary of State, Trenton, N. J., shows part of the persons that came at that time; they were John Fenwick, his three daughters, Elizabeth, Ann and Priscilla; John Adams, husband of Elizabeth, of Reading, in Berks, weaver, and three children; Elizabeth, aged eleven years, Fenwick, aged nine years, and Mary, aged four years; Edward Champneys, husband of Priscilla, of Thornbury, Gloucester-shire, joiner, and two children, John and Mary. John Fenwick brought ten servants, Robert Twiner, Gervis Bywater, William Wilkinson, Joseph Worth, Michael Eaton, Elinor Geere, Sarah Hutchins, Ruth Geere, Zachariah Geere and Ann Parsons.

Beside these he was accompanied by Mary White, the faithful nurse of his children, who had lived in his family several years before coming to America. Her attachment for the three daughters showed itself in her resolve to share their good or bad fortune in a strange land. Their father's house was her home, where she had entire charge, and so continued until his decease. These traits of character were fully appreciated by the Patroon, as he gave her a title in fee for five hundred acres of land, and five days

before the date of his will executed a lease to her, as "Mary White, late of the parish of Bremble, in the county of Wilks, spinster, now of Fenwick Grove," for Fenwick Grove, containing three thousand acres; to continue during her life and the life of her husband if any she have when she decease. In his will he makes frequent mention of her name, continuing his liberality and always expressing the utmost confidence in her honesty and uprightness.

Edward Champneys brought three servants, Mark Reeve, Edward Webb and Elizabeth Waite; in all twenty-four persons of the immediate family of the chief proprietor. Samuel Hedge, Jr., married the daughter, Ann, soon after their arrival.

Samuel Nicholson, his wife, Ann, and five children, Parobal, Elizabeth, Samuel, Joseph and Abel, came in the same ship.

John Smith, his wife, Martha, and four children, Daniel, Samuel, David and Sarah, came also in the Griffin. (Jonathan and Jeremiah were born after the arrival of their parents.)

The following persons were also passengers: John Pledger, James Nevill, Edward, Robert and Samuel Wade, Robert Windham, Richard Hancock, Samuel Hedge, Jr., Isaac Smart, with some others. Part of these latter had families, but of what number in each has not been ascertained. It is remarkable that the time of the departure of this ship from London and of her arrival in the Delaware River cannot be fixed with certainty. June 23d, 1675, has generally been accepted as correct in regard to the arrival, but this is clearly an error.

The two agreements of June 24th and 28th, 1675, hereinbefore inserted, were signed in England and

before the departure of John Fenwick and his company, for the reason that several of the persons whose names are thereunto attached did not come to America for some time after the Patroon. The last of the deeds before-named was signed in July, 1675, as was also the mortgage to Edridge and Warner (July, 1675), by the chief proprietor and before his departure.

Samuel Nicholson, in his certificate entered in the Friends' books of the Salem meeting, says they arrived Ninth month (November) 23d, 1675. Here is also some mistake, for the first deed from the Indians to John Fenwick bears date the Eighth month (October) 8th, 1675; this could not have been executed until after their landing and some intercourse had with the Indians to that end, and cannot be reconciled with the entry made by Friend Nicholson. Thomas Shourds, a gentleman of Salem county who has given the history of this colony his attention, and collected much rare and valuable matter relating thereto, says the ship took her departure from London the 23d day of the Sixth month (August), 1675, but of her arrival appears to have no knowledge. This best agrees with the date of the Edridge and Warner mortgage and would give sufficient time for the voyage before the execution of the first Indian deed, and place it beyond possibility that June 23d, 1675, was the time of the ship coming to anchor at Fort Elseborg. The change in the English calender, which appears to have been so little understood at that time, and in consequence not generally observed, except in state and other legal papers, created much confusion in dates and may be the cause of the uncertainty above-named. It is to

be regretted, however, that the exact dates of such important events in the history of these emigrants and adventurers cannot be exactly known, and neither can be hoped to be discovered at this late day when so many papers and memorandums relating thereto have been lost or destroyed.

Hereinafter is a paper, copied from the records, which sets forth the complaints and protests, as well as an agreement of the adventurers, dated June 25th, 1676, and which doubtless was signed after their arrival. Assuming this to be true, then Hippolitt Lefever, Richard Whitaker and William Malster came with their families in the same ship and may have brought servants. Robert G. Johnson, Esq., a faithful and painstaking antiquarian, late of Salem county, and a lineal descendant of one of the first comers into that territory to make up the colony of 1675, evidently regarded this as a mooted question and one in which he could not discover the truth. His contributions to the Historical Society of New Jersey, touching the early settlements in the southern part of the State, are always read with pleasure and instruction by those interested in such things, and from them much of value contained in this paper has been gathered. This gentleman says the ship Joseph and Benjamin, Mathew Payne, master, arrived at Salem, March 13th, 1674, with emigrants, among whom were John Pledger, Hippolitt Lefever and others. This is also an error, as the two persons last named purchased land of John Fenwick in May, 1675, and were then residents of London.

It may not be uninteresting to know something of the persons who, beside his family, accompanied John Fenwick across the ocean and participated in the

perils and discomforts of the voyage. In a social relation there was but little distinction, and in religious matters their sentiments were alike.

Samuel Nicholson had been a farmer and resident of Wiston, in Nottinghamshire; John Smith was a miller and came from Roxbury in the same county; John Pledger and his wife, Elizabeth, lived at Portsmouth, Southamptonshire; he was a ship carpenter; James Nevill had been a weaver and lived in the parish of Stepney, London; Edward Wade and his wife, Prudence, had been residents of London; he was a citizen and cloth worker; Robert Wade, his brother, was a carpenter and lived near by Edward; Richard Hancock and his wife, Margaret, lived in Bromley, near Bow, London; he was an upholsterer; Isaac Smart came from Wiltshire; he was a single man; Hippolitt Lefever and William Malster were "gentlemen;" the first lived in St. Martins, in the fields; the last in Westminster, both towns in the suburbs of London. Hippolitt's wife was named Mary, and William's, Catharine. Whatever may have been their calling, all became tillers of the soil to secure food for themselves and families; deficiencies, however, were made up from the streams and forest which were teeming with game easy of capture. With all their troubles and dangers, starvation was not among them.

Some of these, although mechanics, were men of education and possessed considerable estates. James Nevill was a man learned in the law, and became a useful citizen in the new colony. The first Salem records contain many of his suggestions and quotations entered therein, showing him to have been a man of much reading and penetration. He was

clerk of the court and filled other offices acceptably to the people. One of the most important positions he held was that of agent for William Penn in the sale of his lands in the Salem tenth, and the book he has left in which those particular transactions are entered, prove his capacity in that direction.

Richard Hancock was appointed Surveyor General, a position of much importance among the settlers, but unfortunately came under the displeasure of his employer who peremptorily discharged him from his service. Others of them filled places of trust and assisted much in giving stability and success to the enterprise.

Once on board the ship and free from the shore, these adventurers found themselves crowded and inconvenienced in many ways not anticipated, and without remedy. Cleanliness and ventilation were not considered essential to health; hence the tidy housewife whose pride it had been to have her home attractive, was sadly annoyed at the want of neatness around her, and a glance at the cooking arrangements put an end to all enjoyment of meals from that time forward. Nothing that was inviting presented itself and the situation of the passengers was anything but pleasant. Exclusiveness within such limited space was not to be considered and the annoyances of "going down to the sea in ships" seemed to multiply. The English Channel was not passed before all the romance had departed, and Neptune, the god of the great deep, demanded and received his tribute. The routine of the ship and the broad expanse of waters that surrounded them on every side soon became monotonous and put their patience and bravery to the severest test. As they

left "Land's End" and saw the shores sink into the waves, each could have said with the poet,

"Adieu, oh fatherland! I see
Your white cliffs on th' horizon's rim,
And though to freer skies I flee!"
My heart swells—and my eyes are dim!"

* * * * *

Meetings for religious worship were regularly held, where, in addition to the silent sittings and patient waitings, comforting words were addressed to the desponding and encouragement to the skeptical. Every day was widening the space between themselves and their oppressors, and bringing them to a land where no one should make them afraid. The pleasure of anticipation was the only feeling that gave encouragement, and the ending of their tedious journey was hopefully looked for.

The first approach of the ship to the shores of America was near Cape Henlopen, on the southerly side of Delaware Bay, at a small island subsequently called Fenwick Island, after the chief of the expedition. Here a landing was had to make inquiry of the Swedes, already there, in regard to their whereabouts, and the proper course up the bay into the river. In the great chancery suit between Lord Baltimore and the Penns, which extended over the lifetime of several of the litigants, mention is made of this island, and it doubtless received its name in the manner above stated. With what grateful joy these people looked upon the land once more—realizing that the perils of the ocean were ended. The many anxieties they had passed through and the privations they had suffered were forgotten

in view of their safe arrival at the place of destination. Nothing reminded them of their native land save the beautiful autumn tints upon the forests that crowded down to the water's edge and fringed the streams with marvelous coloring. The placid bosom of the river was covered with wild fowl, which in those days, having no enemy, were easily taken; rendering a pleasant change to their diet and a full supply to all their wants. The absence of shipping contrasted strangely enough with the river Thames, where vessels from all parts of the world found a port; while here, seldom but the canoe of the Indian or the fishing smack of the Swedes disturbed the waters.

The old fort at "Elseborg" was the objective point; hence the eastern shore of the river must be traced. Again the knowledge of the Swedes was used and at last anchor was cast opposite the place so long sought for. As before mentioned, the date of this occurrence is in doubt, but the best data that can be gathered seems to place it about the first of the Eight month (October,) 1675. They were now in sight of their new homes, with the wide marshes and majestic forests before them. The cabins of the Swedish fishermen, scattered along the shore, and the rude dwellings of the New England adventurers on Salem Creek, were the only habitations to be seen, and in these nothing inviting or attractive was presented. The natives gave assurance of welcome in expressive gestures, and presents of food. Unable to understand either the Swedish or Indian dialect, the new comers resorted to pantomime as the only means of communication, and succeeded wonderfully well as the end has proven. Care was taken that good feeling should be

established in the beginning, and that nothing should be done to create suspicion or doubt among the Aborigines.

A satisfactory equivalent being rendered for everything, a bond of friendship was soon established between the natives and the strangers, which never was broken. The Christian obligation that actuated the one was appreciated and always regarded by the other; hence revenge, rapine or war has no place in the history of Fenwick Colony.

"He ruled with meekness, they obey'd with joy;
No cruel purpose lurk'd within his heart,
And no distrust of his intent in theirs."

Now commenced the search for the ten lots, reserved by the chief proprietor in the grant made to the Trustees of Byllynge, the description of which was vague and uncertain; arising without doubt from the little knowledge the parties concerned had of the territory in question. No reliable map of this part of New Netherlands had yet been made, and consequently the owners were groping in the dark when attempting to describe a section of country they knew nothing of. Vander Donk's map of 1656, designed to show where some of the streams emptied on the eastern side of the river, has since been proven to be radically defective even in this particular. Augustin Herrman's map, made in 1670, under the patronage of Charles Second, King of England, of Virginia, Maryland, parts of Pennsylvania and New Jersey, and designed to correct the many errors existing in like documents that preceded, was no improvement so far as New Jersey was concerned, and particularly as touching the ten lots.

The distance along the Delaware from Prince Maurice's River to the fort at Elseborg, on this map, is shown to be about twenty-five miles, while more modern surveys make the distance about forty miles. Nearly all the streams are improperly located, with Indian towns scattered about at random according to the fancy of the projector. The breadth of land between the Delaware and the Ocean (measuring from the mouth of Great Egg Harbor River to the mouth of Oldman's Creek) is given at thirty-four miles, when the distance is nearer seventy miles. Many other like defects were calculated to deceive the explorers and purchasers of the territory.

It is evident John Fenwick only knew that the old Swedish fort was at or near the mouth of a stream within the limits of his tenth; and that the next above was the northerly boundary of the same. That the Naratican Indians occupied the land he had taken as his share of the whole, and must be paid an acceptable consideration for the right to settle thereon. That their name for the stream near the fort was Asamohockin, the Swedish appellation being Varken's Kill, as afterwards by him changed to Fenwick River. Alderman Kill, or Oldman's Creek, (which he afterwards called Berkley River), separated his property from the ninety parts, and beyond this he was entirely ignorant of the country.

Explorations must be made, and the only available means of transportation was the water craft used by the natives and Swedes to pass up and down the tortuous and narrow creeks, that run inland from the eastern shore of the river. Roiter's River (Alloway's Creek), Sepakaking (Cohansey Creek), and Riddare Kill (Maurice River), must each in turn be examined,

generally to view the country, but specially to select a place for a town; an important consideration which was decided upon by the united judgment of the adventurers.

About thirty-five years before this time a colony of English came from New Haven, and having purchased the land of the Indians, made a settlement on Varken's Kill (Salem Creek). They soon found the territory was claimed by the English Earl, Sir Edmund Ployden, under a grant of King Charles First of England, although in reality under the dominion of the Dutch and Swedes. They swore fealty to Sir Edmund as the "Palatine of Albion," and were the only people within the territory who recognized his authority. The Dutch and Swedes were annoyed by the English being settled so near, and a military force was sent from New Amsterdam (New York) to drive them away. Their houses were burnt, their cattle and goods confiscated and themselves made prisoners. They were, however, permitted to return to the place again, build themselves other houses, and some continued there until the arrival of John Fenwick and his company.

It was concluded by the new comers to fix upon the same site and call it "New Salem," these few dwellings supplying a necessity which the lateness of the season would prevent being done by themselves. This done the business of unloading their worldly effects from the ship followed at once, and these people found themselves domiciled in a new home, surrounded by a strange and savage people, with a great ocean separating them from former friends. The reality of their situation was before them, and be it for weal or woe, their steps could not be retraced.

An abiding faith in the justice of their purpose, in the liberality of their political principles and the enlarged philanthropy laid down in their methods of government, strengthened and encouraged them. They made haste to acknowledge their deliverance from the many perils passed through, and recognized in that deliverance an overruling Providence that had guided them thus far and would not suffer their enterprise to fail if their trust remained as it had been in the past. A long dreary winter was before them, with a degree of cold seldom known in England, and to which they were unaccustomed. The heavy drifting snows prevented any extended examination of their new country, and the ice in the streams destroyed for the time their only means of travel. The people who had preceded them, and upon whose hospitality they now depended, were fishermen, or as frequently called "whalemen," and were there to secure the "oyl and bone" so plentiful in the bay and ocean, and a source of profitable traffic with the European nations.

Gabriel Thomas, the first historian of West New Jersey, in his quaint style thus speaks on this subject. "The commodities of Cape May County are oyl and whalebone, of which they make prodigious quantities every year, having mightily advanced that great fishery, taking great numbers of whales yearly." The pursuit and killing of this great fish, regardless of time, induced by the love of gain, has driven it from these waters and almost to extermination. Little could be done through the winter, except to look after their individual comfort and guard against the severity of the season. The accommodations, like those on the ship, were limited, but in regard to

cleanliness, the females having control, a better condition of things existed. Nothing however was allowed to interfere with the regular observance of religious worship and some one of the most commodious of these little dwellings was selected for that purpose; contrasting strangely with the large and comfortable meeting houses of the present day. The following is a copy of the minutes organizing the first Monthly meeting of Friends in Salem:

"At a meeting held the last day of the Fifth month, 1676, it was unanimously considered: that the first Second-day of the week of the Sixth month that Friends do meet in the town of New Salem, in Fenwick Colony, and all Friends thereunto do monthly meet together, to consider of the outward circumstances and business. And if such that has been convinced and walked disorderly, that they may in all gravity and uprightness to God, and in tenderness of spirit and love to their souls, be admonished, exhorted and also reproved, and their evil deeds and practices testified against, in the wisdom of God and in the authority of truth that may answer the witness of God within them.

Signed, John Fenwick, Francis Nebo, Isaiae Smart, Samuel Nicholson, Robert Zane, Edward Wade, Samuel Wade, Richard Guy, and Sammel Hedge, Jr.

The Patroon, as will be seen, was an active member in placing the meetings in proper order, similar to those in England, and with whom correspondence has continued to the present day.

The question of erecting a house for such use, was agitated for some time without any result, as in the Twelfth month, 1679, it was decided to alternate the First-day meetings and the weekday meetings between the dwellings of Robert Zane, Samuel Nicholson and Richard Guy. Subscriptions, however, were being made and collected to this end; which culminated in

the purchase of Samuel Nicholson's lot and dwelling, in 1680; the same having been left vacant by his removal to Elsinboro on Alloway's Creek.

Before the opening of spring other purchases were arranged with the Indians, which perfected the title of the chief proprietor to the land from Oldman's Creek to Maurice River, covering, as no doubt then considered, the whole of the ten lots so often mentioned herein. This was according to the covenant entered into between Fenwick and his purchasers, they regarding the ownership of the natives as of sufficient validity to require a consideration and conveyance. Trinkets, brilliant colored cloths, blankets and, too often, rum, were the equivalent for these grants; but the right of fishing, hunting and the use of timber was never refused, and eventually came to be regarded as inalienable, remaining to them and their descendants forever.

After more critical examination of the country and better acquaintance with their neighbors, attention was given to the organization of the government, as agreed upon before their departure from England, and as herein set forth at length. The Governor and Magistrates were to be chosen by the advice and consent of the proprietors and freeholders, which contemplated an election. This, doubtless, was accomplished with due solemnity, and as the records show, John Fenwick was selected for Governor, and fifteen others of the adventurers as Magistrates. These were Samuel Nicholson, Richard Noble, Edward Champneys, John Adams, Roger Hutchins, Richard Hancock, John Smyth, Edward Wade, Robert Wade, Richard Whitaker, William Hancock, William Malster, John Lynd, and Samuel Lynd.

John Fenwick, as Governor, took the following oath of office:

"I, John Fenwick, one of the lords or chief proprietors of the Province of New Caesarea, or New Jersey, in America, being chosen by the proprietors, purchasers and freeholders now resident in Fenwick Colony within said province, to be their governor for this present year 1676, do hereby declare and promise that I will heartily endeavor to promote the honor of Almighty God in all my undertakings, who is King of Kings, and hath shewed me that he requires of all men to do justly, love mercy and to walk humbly with their God; and accordingly I further declare and promise that I will bear true allegiance to the King of England, his heirs and successors; and in my place and employment shall, by the power received from both, faithfully endeavor to discharge the trust reposed in me by the people, not only in being faithful to their several interests, but also endeavor the peace and welfare of them and the said colony by doing equal justice to them and all men according to my best skill and judgment, without corruption, favor or affection.

IN WITNESS WHEREOF, I have hereunto subscribed my name this one and twentieth day of the Fourth month, commonly called June, in the year one thousand six hundred and seventy-six."

Words could not better express the obligations intended to be embodied than found here. The recognition of an overruling Providence, the desire to be guided by his direction, the allegiance due to the King of England, and the promise to deal justly by the people, who are acknowledged as the fountain of power, are in this drawn together and contain all the elements necessary in such a document.

Two days after the date of this oath, a paper was signed by part of the emigrants and placed on record. This presents a sad picture of their condition, and shows them to have been suspicious of the course which Edridge and Warner intended to pursue

towards them in regard to the mortgage held by them against the land they had purchased, and which they were now about to occupy. This was but the beginning of trouble in that direction, and which became the source of great annoyance and pecuniary loss to all concerned in the land of Fenwick Colony. The aid of a higher power was invoked and relied upon to ward off these evils, and after "many meetings and serious consultations," a method was fixed upon by which they were avoided. Faith in the good intention of the Patroon remained unabated, for after some general suggestions as to the manner of the division of the land, the rest is left to his judgment and discretion. No blame seems to attach to him for any of the existing troubles, but from their standpoint arose out of a breach of faith by others.

The paper is here introduced in full :

Wee whose names are hereunto subscribed doe first declare, as is hereby declared, that wee have been exposed to great hazards, straits, dangers and cruelties whilst at sea. John Lord Berkley's deed being declared to be left in England was the cause of our trouble; wee meet wth both, there and at our arrivall, where our sorrows was multiplied and our miseries increased through cruel trials and oppression. So that as it appeared John Edridge and Edmund Warner laboured to send us away wth the shadow, whilst they detained from us the substance that should every way have preserved us and our interest from ruin. Even the ruin under w^{ch} wee hitherto grone, and like to be ruined, having received noe reliefe from England, neither can wee heare when to expect any, but wholy left as a people forsaken, even forsaken by them that pretended to take care of us, and many of those who embarked wth us in the same undertaking did alsoe desert us and dispersed themselves into other counteries, so that now if wee can live wee may, and if we cannot wee

may dye, for the care that has been and is taken by these men, as if their owne interests were our distructions.

But blessed be the God of heaven and earth who hath showed us mercy (to the amazement of of enemyes here, and so it will be alsoe to others in due time); praysed be his name forever. He hath alsoe by his spirit stirred in the hearts of many good people to pittie us, and make them willing to come and joyne wth us and to ayde and assist us wth their presence; who call alsoe for a sitting downe together in this tract of land wth John Fenwick, the chief proprietor and governor, since his arrival purchased of the natives for his colony, and to satisfy every of his purchasers by setting out their tracts of land there accordingly. To the end therefore that the Lord's requireings may be answered, the desire of strangers satisfied, the said colony planted, wee and our famylies preserved from ruin, every purchaser have his land sett out. The natives neither provoked nor tempted, but all our lives preserved by setting out and planting the land as people come to take it up, and goe setting downe together as in other counteries.

Wee, after many meetings and serious consultations, doe unanimously agrege and conclude upon the meathode following; w^{ch} wee, the chiefe purchaser of Fenwick's Colony and others the purchasers and freeholders now residing in the same, doe approve of and judge to be most just, reasonable and equall, and doe therefore declare and order, that every purchaser that is resident, shall forthwth have his tract of land set out, the one-halfe in the lib'tie of Cohansick, the other halfe in the lib'tie of Allowayes, or as the said chiefe proprietor shall order the same here or elsewhere. The said purchasers resting soe only who shall begin and succeed till their tracts be surveyed and sett out, and after theire tract of land is set forth and surveyed, then in order, according to their lott as aforesaid, shall the tracts of w^{ch} they are intrusted, w^{ch} shall be set out and surveyed alsoe; and so all other purchasers shall have their purchases as they come to sit down upon and improve the same, making it first appear to the chiefe proprietor and his councell that they really intend the same.

That there shall be a neck or piece of land sett out for a town att Chohanzieke and divided into twoe p^{rs}; the one for the chiefe proprietor; the other to be sett out into towne lotts for

the purchasers, w^{ch} lotts are to be reckened as part of their purchases; the chiefe proprietor is to settle, gratis, upon the towne, a corner of marsh, and to dispose of his part for the incourageing of trayd, &c.

That the lotts shall be sixteen acres apiece, and that every purchaser shall take their lott in the towne as they come to take them up and plant them.

And as for the settleing of the towne of New Salem, it is likewise ordered that the towne be divided by a street; that the south-east side be for the purchasers who are to take their lotts of sixteen acres, as they come to take them up and plant them as they happen to joyne to the lotts of the purchasers resident, who are to hold their present plantations, and all of them to be accounted as parte of their purchases.

And the other parte on the north, and by east and by south, is to be disposed off by the chief proprietor for the incouragement of trayde; he alsoe giving, for the good of the towne in generall, that field of marsh that lyeth between the towne and Goodechild's plantation.

And lastly, wee leave all other things concerning the setting forthe and surveying the said purchases unto the chief pro^r to order as he sees fitt.

Signed accordingly the twenty-fifth day of the Fourth month, 1676.

FENWICK.

EDWARD WADE,
JOHN SMITH,
SAMUEL NICHOLSON,
JOHN ^{his} ~~X~~ ADAMS,
mark.

HIPOLITE LEFEVRE,
EDWARD CHAMPNEYS,
RICHARD WHITACAR,
WILLIAM MALSTER,
ROBERT WADE.

Part only of the adventurers and freeholders appear to have signed it, they perhaps not regarding the grievances as sufficiently great to thus perpetuate them, and merit the sympathy of their descendants. Much delay, however, in the formation of the government was caused by this procedure; and which lead to controversy and bitter feeling among these hardy pioneers. Two weeks elapsed before another step was

taken, when those elected as Magistrates took the prescribed oath and entered upon the duties of their office. It was as follows:—

"I, SAMUEL NICHOLSON, of the town of New Salem, in Fenwick Colony, in the province of New Caesarea, or New Jersey, in America, planter, do hereby declare and promise that I will endeavor to promote the honor of Almighty God in all my undertakings, who is the King of Kings, and requires all men to do justly, do mercy and walk humbly with him their God; and accordingly I do further declare and promise that I will bear true allegiance to the King of England, his heirs and successors, and also that I will be faithful to the interests of John Fenwick, lord or chief proprietor of the said colony, his heirs, executors and assigns, and endeavor the peace and welfare of him, them, and of his said colony, accordingly.

IN WITNESS WHEREOF, I have hereunto subscribed my name this fifth day of the Fifth month, commonly called July, in the year one thousand six hundred and seventy-six."

Each subscribed to this oath, which, like that of the Governor's, is concise and well digested, showing that in this little company there was mind and education, as well as bravery and perseverance.

Although from the name assumed by these officers their duties would seem to have been purely judicial, yet it is to be supposed they sometimes sat in a legislative capacity, and made the few laws necessary for the proper government of the colony. In this direction their wants were not many, and having a common interest to advance, no great diversity of opinion could exist.

The next business in order of date appears to have been the laying out and selection of the town lots at New Salem. The order of the chief proprietor to Richard Hancock, Surveyor General, to proceed with

this part of the work, bears date September 18th, 1676, although in point of time there is but little difference in the laying out of lots at Alloway's, and Cohanzie also. Preferences appeared to exist for each of these places, and to which they removed, as soon as the boundaries of their several allotments were defined. Each purchaser was entitled to a sixteen acre lot in either of the town sites he might choose, in addition to the number of acres to be assigned him according to his deed of purchase before-mentioned. The claims of the Swedes to certain parts of the territory along the river shore were soon disposed of, by surveying and conveying to them about all the land demanded; thus avoiding a troublesome controversy as to priority of possession, and leaving no room for suspicion or enmity. Where settlements were so sparse, the advantage to be derived from such a course is apparent, and, as intended, led to good results. Some of these people were slow to relinquish the religious and judicial authority of those at New Castle and Upland; but eventually accepted the new order of things that surrounded them, and to which no great objection could be made. This was done by first recognizing the government of Fenwick Colony, and afterwards that established at Burlington, by those holding the ninety undivided parts of West New Jersey. The identity of their church worship and discipline was, however, preserved for many years, but gradually merged into that of the Protestant Episcopal denomination, and at this time are entirely lost sight of.

The Rev. Jehu Curtis Clay, D.D., in the year 1858, published a small volume which he entitled "Annals of the Swedes on the Delaware, from their

first settlement in 1636 to the present time," in which he collated the history of the churches on the shores of the river, preserving, to those interested, very much of value in this connection. If, however, the continuous records of the several churches could be obtained, they would be invaluable in showing the genealogical history of the families connected therewith, and also a great assistance to inquirers for such knowledge.

The commission of Richard Noble, as Surveyor General, bears date July 5th, 1676, but by reason of his refusal to follow the directions given him by the Governor and Magistrates, he was dismissed from their service. Richard Hancock was appointed in his stead September 25th of the same year; showing that Noble was not long in getting the displeasure of his employers. His successor acted acceptably in that position for some time, but yielding to the same influence that controlled Richard Noble, and acting accordingly, his commission was revoked December 1st, 1680. Samuel Hedge and Richard Tindall each successively discharged the same duties by appointment, but labored under many and much the same difficulties as their predecessors.

The revocation of Richard Noble's commission was the starting point of the troubles with the Edridge and Warner mortgage, which troubles were not settled during the life of John Fenwick. The estate conveyed was understood by Fenwick as only designed to secure the payment of certain sums of money in the deed set forth, which when discharged, either by himself or from land sold by the mortgagees, the title to the remainder should be good to him again. The mortgage matured in two years from date, and

as Fenwick was in default, Edridge and Warner were disposed to regard the estate as forfeited absolutely, and that Fenwick's means of redemption were gone. Purchasers hesitated by reason of this complication, which placed the Patroon in an unenviable position and left him without remedy, with the ocean between himself and those he had formerly considered his friends, but now the worst of enemies. He well knew that a few sales would furnish funds enough to discharge the debt, but without ability to pass a satisfactory title no one was willing to enter into contract to purchase. There was evident distrust on the part of Byllynge's trustees and the holders of the mortgage towards Fenwick, as will appear in their letter addressed to Richard Hartshorne, dated in London the twenty-sixth of the Sixth month, 1676, and their instructions to James Wasse, Richard Hartshorne and Richard Guy, dated in London eight days previous to the last-named epistle; persons by them selected to look after their interests in New Jersey.

The first clause of the instructions reads as follows:

We desire you to get a meeting with John Fenwick, and the people that went with him (but we would not have you tell your business untill you get them together), then shew and read the deed of partition with George Carterett, also the transactions between William Penn, Nicholas Lucas, Gauen Laurie, John Edridge and Edmund Warner; and then read our letter to John Fenwick and the rest, *and shew John Fenwick he hath no power to sell any land there without the consent of John Edridge and Edmund Warner.*

It is difficult to see what claim Penn, Lucas, and Laurie had on the ten parts, as the reservation made

by Fenwick in the deed of himself and Byllynge to them, as Byllynge's trustees, created an estate in severalty in Fenwick to the ten lots, and was so by them acknowledged. With Edridge and Warner, their interest was limited to the payment of their debt, and such of Fenwick's other creditors as they chose to discharge; while the equitable estate to the remainder was clearly in the mortgagor and within his control. Mr. Edward Saunders, a solicitor of the Inner Temple, London, gave the parties a legal written opinion upon the subject, and who appears to have had knowledge of the whole transaction from the beginning. He decided that whenever the debt of Edridge and Warner was discharged, and such other demands against Fenwick as they had paid, then the estate was freed from any claim they might have by reason of the mortgage before-named. The opinion bears date July 24th, 1677, only seven days after the forfeiture, and shows that some legal action had been taken in the premises by parties interested, other than the mortgagor, who was really the only one suffering from the difficulty, and yet without means of explanation or defence. The letters of Mary Fenwick to her husband disclose many facts in relation to this matter, as she was much annoyed by the importunities of creditors, and the conduct of Edridge and Warner. Edridge made a voyage to New Jersey for the purpose of having this claim adjusted. Several interviews were had, but no conclusion arrived at, and at one of these Fenwick so far forgot himself as to strike Edridge a blow in the face. He was impressed with the notion that Edridge and Warner designed, if possible, to defeat his favorite project, and very indis-

creetly sent an officer with a warrant, accompanied by a posse of men (June, 1678), to New Castle to arrest Edridge who had gone there to avoid his wrath. The authorities would not allow the process to be served, and saved Edridge from feeling the force of law as administered by the Governor of Fenwick Colony, who in his then condition of mind would not have tempered it with mercy. Those whose deeds were dated after the mortgage, sympathized with Fenwick, it being a common interest to avoid further claims under that security. Edridge returned to England without effecting a settlement, and chancery proceedings were instituted; but how far continued does not appear.

Criminations and recriminations were indulged in, which cover the true state of the case and renders it impossible to arrive at proper conclusions. In addition to the opinion of Solicitor Saunders, which had been promulgated among the colonists, the chief proprietor prepared and had circulated a remonstrance or declaration, over his own hand, giving a history of the transactions between himself, Edridge and Warner; explaining the agreements and covenants of the mortgage deed; how far each party had observed in good faith these agreements and covenants; showing the injury that had befallen him by reason of the breach of them by the mortgagees, proving in a clear and lucid manner that his rights had been infringed, and great wrong and pecuniary loss followed. He also discusses the prerogatives derived from the Crown through Lord Berkley, and which had not been abridged or relinquished by any act of his; declaring how tenaciously he should adhere to them in carrying out the methods of government as laid

down before they left England. The paper is a fair exemplification of his grievances and certainly goes far to prove his position and justify his course. The excitement that pervaded the little colony on this subject can be understood when the documents, relating thereto, are found among the old papers of the first settlers, and considered in their true light.

The offer of Edmund Warner to accept land for his debt, and the conveyance of thirty-two thousand unappropriated acres, by Fenwick to the mortgagees within the limits of his tenth, done no doubt by way of compromise, was perhaps the end of this fierce and now so poorly understood controversy. Nothing, however, changed the opinion of the chief proprietor as in his will he expresses the same sentiments; directs his executors to obtain a settlement with Edridge and Warner, and clear his estate of the shadow that overhung his title through their conduct toward him. These things, doubtless, controlled Richard Noble, the first Surveyor General, and prevented him from following the instructions of the Patroon. Richard Hancock, his successor, was influenced likewise and also fell under the displeasure of his employer.

The second division of these instructions further says:

"Know of John Fenwick if he be willing peaceably to let the land he hath taken up of the natives, be divided into one hundred parts, according to our and his agreement in England, casting lots for the same; we being willing that those who being settled and have cultivated ground now with him, shall enjoy the same without being turned out, although they fall into our lots." * * * * *

This shows that the division of the one-half of New Jersey into one hundred lots was done with but little knowledge of the country, and afterwards led to trouble between Fenwick and the trustees of Byllynge. As it was intimated, Fenwick had extinguished the Indian title beyond the bounds of his ten parts, and unless he consented to have the same divided, his true position was to be shown the people; having reference, doubtless, to the complicity of affairs with Edridge and Warner. Inducements were to be held out to Fenwick and his followers to abandon their present settlement and remove to a new place mutually agreed upon; but this offer they refused, and continued to hold their estates separate from that of Byllynge's trustees. These instructions, which are copied in Smith's History of New Jersey, show the hostility that then existed between William Penn, Gauen Laurie, Nicholas Lucas, Edward Byllynge and Edmund Warner, on the one side, and John Fenwick on the other side. Much pains is taken to guard the commissioners against the subtlety and shrewdness of the Patroon, and to have a constant care that he does not in some way circumvent them. The cause of this is not very apparent, as the man they were so suspicious of, had done nothing beyond what may be considered a fair and proper defence of his rights, and the rights of those who had followed him into the forests of America. Whatever policy Fenwick chose to pursue, the security to Edridge and Warner under their mortgage was ample; and no act of his could in any way impair the title of the ninety parts of West New Jersey which the trustees of Byllynge represented. The trustees of Edward Byllynge evidently found them-

selves in an awkward position, and so placed by the contest between Fenwick and his mortgage holders; in which their enmity toward each other got advantage of their better judgment. The forbearance of William Penn was taxed to the utmost, and if some unguarded expressions escaped him, they were excusable under the circumstances. His good offices, for the time, were not heeded, but deliberation among the contestants proved his advice and course of conduct to be for their good.

Leaving the purlieus of Gray's Inn or the Inner Temple, in London, and returning again to New Jersey, it will be seen that the laying out of the lots for a town at New Salem, at Alloways and at Cohanzie, were proceeded with by Richard Hancock as Surveyor General to the colony. The plan adopted was the opening of a main street, running to and from a landing place on the stream; the purchasers' lots of sixteen acres each being on the one side of said street; the opposite side being reserved by the chief proprietor for his own benefit. The large tracts were separately surveyed, certificates of description returned and approved by the Governor and Magistrates, which perfected the title, the deeds having been previously executed, delivered and entered of record.

The notoriety of the trouble between Fenwick and the trustees of Byllynge, and the holders of the mortgage, bore its legitimate fruit, as no ship followed the Griffin to New Jersey for nearly two years; telling sadly upon the interests of the Patroon and much to the discouragement of those who came with him. Robert G. Johnson, Esq., says the Willing Mind arrived November, 1677, with emigrants; the ship Mary made two voyages the same year; the ship

Kent and the ship Success arrived the same year; the ships Willing Mind and Success came in 1679; the ships New Adventure and Henry and Ann came in 1681; and the ship Pink arrived in 1682; followed by others at intervals of time for several years. These did not comprise all the vessels that came into the Delaware, and which brought persons with their families, who settled in Fenwick's tenth. Some found their way here through Maryland and Virginia, while others landed at New Amsterdam.

Many of the first purchasers sold parts of their tracts of land, and the Patroon continued to dispose of sections of territory, upon most of which dwellings were erected and land cleared for farming purposes. Laws and regulations were made to keep pace with the needs of the colony, which with but few exceptions, prevented litigation, and had the approval of the people. The books of the Society of Friends, of which a large majority were members, show that many disputes were settled within the pale of the church; thus avoiding the scandal and expense attendant upon their adjustment at law. The machinery of their system of government worked smoothly and yielded satisfaction to all who came within its control. Amid all his troubles and discouragements, the founder of the colony could discover the elements of success, and although subject to many hindrances, the influx of settlers convinced him that his plan was right and would withstand all the opposition brought against it.

While thus contemplating the development of his enterprise, a cloud, darker and more portentous than any before, showed itself; and from a direction not altogether unexpected by the chief proprietor or those

who had accompanied him across the sea. The coming of a ship into the Delaware River, in 1675, was not an event to pass unnoticed by the Commander at New Castle, who, with the Justices, represented Governor Andross and his council, appointed by the Duke of York, under his second patent from the King. The instructions to the Commander were to keep strict watch over the interests of His Royal Highness on both sides of the river, and if anything should occur, to report at once to the authorities at New York. The ship in question proved to be the Griffin, anchored at Fort Elseborg, with English emigrants from London under the leadership of John Fenwick, who held the title to part of the territory on the eastern shore, with the right of government derived through John Lord Berkley and the Duke of York from the King. Further inquiry developed the fact that these people proposed to occupy the land on the eastern side of the river, and establish a government for themselves under the right before-named. This being properly brought to their knowledge, a court was convened in the fort at New Castle, and after due deliberation it was decided to forward, by express, the necessary information to the authorities at New York, and await orders therefrom. The express was no doubt a swift-footed Indian, selected for the purpose, who forded the river at the falls (Trenton), and continued by land through the forest to Communipaw; thence by water to the fort at New Amsterdam, where the message was delivered to his excellency Governor Andross. The information was received December 5th, 1675, and somewhat stirred the bile of the new executive, who held his commission direct and fresh from the Duke of York, and

following the spirit and letter of his instructions, could not recognize any equal, or superior authority within the limits of his jurisdiction. The Governor consulted his council, and an order was returned that John Fenwick and his followers be not recognized as having any rights, but be allowed to remain and occupy suitable portions of land under this government. The same express carried the reply, which the Commander at New Castle soon forwarded to John Fenwick, and the adventurers and emigrants who were with him; intimating very strongly that they were regarded as intruders and enemies. That the title to the soil of New Jersey and the right of government as well, which was claimed to have passed by the grant from the Duke to Carterett and Berkley, and under which John Fenwick held, was by the Dutch conquest rendered inoperative and void; that the second patent of the King to the Duke restored the original elements of title and government as by him held in the first patent, and that like grants must come from His Royal Highness, as in the former case, to make any rights good on the eastern shore of the Delaware River; that the government, as by Governor Andross and his council administered, was the only legitimate one within the boundaries given in his commission, and that he should expect all persons living therein, to submit to the laws, or suffer the penalty of transgressing them.

To all this the chief proprietor, as the owner of the territory, made a dignified response, showing whence he derived his title both to soil and government, which he regarded as sufficient and by which he determined to stand or fall. He insisted that his right to establish methods of government and the

enactment and enforcement of laws, emanated from the same fountain as that of Governor Andross; had the advantage of priority in date, and needed no confirmation or endorsement by Governor Andross as the representative of the Duke of York. That these prerogatives had been before exercised and not questioned by the Crown, and, therefore, had nothing to concede or relinquish touching the demands made by the government at New Amsterdam.

Major Fenwick, as he was styled by Captain Edmund Cantwell, the Commander at New Castle, was frequently invited to make a visit to that place, but as uniformly declined, perhaps for political reasons, which the sequel seems to prove.

Neither threats nor persuasions accomplished anything like a recognition of the New York authorities, which information being forwarded and there held under advisement, a warrant was issued September 25th, 1676, summoning John Fenwick to appear before the Governor at New York and answer the many charges made against him. This paper, in the shape of a special warrant, and directed to Edmund Cantwell, Sheriff, who served the same in person with due formality, wrought no change in the aspect of affairs, nor obtained the consent of Fenwick to comply with its demands. From a judicial standpoint this was contempt, and the person guilty must be made to feel the power of the law and purge himself thereof. There was but one course to pursue if Governor Andross would preserve his dignity and maintain the honor of the government he then and there represented.

November 20th, 1676, "on the news of Fenwick's actings in New Jersey, granting patents, exercising

other proprietary rights, and refusing to obey the Governor's special warrant." it was "Resolved, that he be sent for, and if necessary, that force be used for seizing and sending him to New York," &c.

The tenor and purpose of this paper was not to be misunderstood, and upon the receipt of it at New Castle, by Captain John Collier, who succeeded Captain Cantwell as Commander of the post, September 23d, 1676, he addressed a note to the Governor of Fenwick Colony, stating that his orders were peremptory, and requested him to come to the fort. He replied by a refusal, couched in respectful but decided terms. Having no desire to place the stigma of an arrest upon Fenwick, he went, accompanied by others, to his residence and renewed his request in person. The Major, at this visit, would not suffer any in the house except Captain Collier, and after he went out would not admit him again; but double-bolted the doors and spoke to him through a small scuttle hole in the end of the dwelling; Captain Collier, the meanwhile, seeking to convince him that he wished to avoid the necessity of executing the writ. This degree of forbearance was not appreciated, and the Commander returned to the fort and obtained the advice of the Justices in the premises.

To compromise the matter further would entail upon them the censure of the Governor; hence they determined to proceed at once, and appointed Lieutenant De Haes to take command of a squad of two under sheriffs and twelve soldiers for the purpose in hand. His powers were discretionary, even to extreme measures, to secure the body of the offender and require his response to the Governor upon the

return of the warrant. On the eighth day of December, 1676, this officer, with his men fully armed, crossed the river and proceeded to New Salem, charged with this important and delicate duty. It will be seen that the Commander at New Castle sought every means consistent with his duty to avoid this necessity, and was constrained only by the arbitrary and unlawful procedure of his superior officer. Military discipline was too strict, and the consequences of a breach thereof too severe for him to depart from the spirit, even if he had ventured to disregard the letter of his instructions.

John Fenwick regarded himself the political equal of Governor Andross; that he was the head of a small, but rapidly increasing colony; that he was Patroon by purchase; was Governor by choice of the people. He had pledged his allegiance to the King and taken an oath to discharge the duties of his office faithfully, and to the interests of the people without *fear* or affection, and hence could not recognize any power greater than his own, save when the prerogative of the King should be exercised.

Landing at New Salem in the night, the officer marched his command directly to Fenwick's residence, informed him of the object of his coming, and demanded his surrender. The house was securely fastened, and as Fenwick refused to acknowledge the service of the writ, or admit them the door was broken open, a pistol fired at him and he finally surrendered. The military teachings of Oliver Cromwell did not overcome the precepts of George Fox, and no resistance was offered by Fenwick after the house was entered. The pistol shot did no damage, but was intended to wound the person pursued and prevent his further escape.

The excitement that such proceedings must have caused in the Quaker community can well be understood, and when he was led away a prisoner, by armed men, his associates in former perils deeply sympathized with him in his present misfortune. Nothing appears to have been done on the part of his associates to prevent his arrest, who, intimidated by the presence of soldiers, submitted to this abuse of power. He was taken to New Castle the same night and sent at once to New York by sea, where he arrived December 16th, and was given into the custody of the Sheriff there. His liberty was abridged to the fort, he having free intercourse with the officers, enjoying their society and receiving their hospitality.

January 5th, 1676, the Governor issued his special warrant requiring the Justices of the north riding, the west riding, and Mr. Woodhull, of the east riding, to assemble at the City Hall on Friday, the 12th inst., to constitute a court for the trial of this offender; and on the same day had proclamation made that such court would be held, then and there for that purpose. On that day the Governor, the Judges of the Assizes, and the Mayor and Aldermen of the city made a court, when Samuel Leet, the King's counsel, presented the various charges made, and requested John Fenwick to plead thereto. These set out that he had "with force and arms ryoteusly and routeously, with other persons, taken possession of large tracts of land on the east side of the river, which same were within the bounds of His Royal Highness' patent, from his majesty," &c.;—that "he, with other persons, had driven settlers away and torn down their houses;"—that "he had issued license

to distill," &c., and committed various other acts of like character; to all of which he plead not guilty.

A jury was summoned and empanelled by the Sheriff, and the trial proceeded. The counsel offered the King's letters patent to the Duke, and the Duke's instructions to Governor Andross, which were read. John Fenwick made a "long discourse" in his own defence; cited the deed from John Lord Berkley to himself, to show that his title was but two or three removes from the King, and, under the English laws, was good and sufficient for him, and those who held under him. He was much embarrassed, however, for want of documents, as he had left his deeds in England, from whence he could not obtain them for several months from that date. The authority of Governor Andross, under the second patent of the Duke over the territory of New Jersey, he denied, and claimed the whole proceedings to be contrary to law and precedent. His Gray's Inn education served him well in this extremity, which commanded the respect, if it did not receive the approbation, of his accusers. Many important questions, involving what rights existed under the King's Charter; what powers were delegated and what were inherent or reserved, and how far any of these had been infringed or violated by originating a colonial representative government within the limits of the ten lots excepted in the deed of Byllynge's trustees, and which were at this time the great cause of offence. These principles were well understood and ably discussed by Fenwick, and before an unprejudiced court would have been successful. He was familiar with their history from the beginning, and knew what was intended by the Crown when the patents were created; that no restric-

tion existed, either expressed or implied, save that no law should be made inconsistent with the laws of Great Britain.

The Governor charged the jury both upon the law and facts; taking much pains to enforce his own theory, and directed them to return a verdict for the King, which was accordingly done.

After private consultation of the court, the verdict of the jury was approved, and the defendant sentenced to pay a fine of forty pounds and costs; also to give security in five hundred pounds to be of good behavior and not act in any public capacity until authorized; and to remain in custody until these requirements were satisfied. A right to appeal was granted him if five hundred pounds were pledged that the appeal should be prosecuted.

The fine, and conditional release, he refused to pay or comply with; and remained in the fort under military surveillance, with about the same liberties he had before been privileged. He refused to acknowledge the authority of Governor Andross in any manner, or to make any promise that should control his future conduct, touching his interests in New Jersey.

August 7th, 1677, the commissioners sent out by the trustees of Byllynge and the London and Yorkshire owners, arrived at New York in the ship Kent, Gregory Marlow, master, bringing with them copies of the King's patent to the Duke, and all subsequent grants made of New Jersey, which were laid before Governor Andross and his council. This was a fortunate circumstance for John Fenwick (who was still a prisoner), as these documents verified all that he had sought to establish on his trial. The com-

missioners requested him to recognize and acknowledge them, but the Governor could not see his way clear so to do. The second patent of the Duke, coupled with his instructions, prevented him from granting what was evidently their right, and which he seemed to realize. After much controversy it was agreed, by way of compromise, that the commissioners, or part of them, should receive authority from Governor Andross to act as magistrates, in the Duke's name, on the eastern shore of the river; when they fixed upon a place "to settle down by." At the same time John Fenwick was released on his parole to return to the fort at New York, October 6th, following. He went on board the ship with the commissioners and returned home, the ship arriving at New Castle, August 16th, where the most of the people landed. In the chief proprietor of the Salem tenth, these strangers, doubtless found a valuable assistant, whose experience and advice saved them much annoyance and trouble.

Faithful to his promise, he presented himself to Governor Andross at New York, on the day named, who expressed his surprise thereat, and immediately made an order for him to be discharged, "and to go about his lawful occasions."

At home once more, he entered upon the duties of his office as Governor, attended to the laying out and sale of land, participated with much zeal in the schemes of his neighbors for the advance of his and their interests in the colony, by which many others were induced to join them, and being satisfied with the methods adopted, were content to remain. Everything appears to have gone well with the Salem folk until April 30th, 1678, when an election was

held for the officers, annually chosen, and the places of Surveyor General, Secretary, and Register, were filled by appointment. Captain Edward Cantwell, Justice Foppe Outhout, and others from New Castle, were present and made note of the manner in which the machinery of the government was kept in motion. The Governor ordered several papers to be read, relating to his authority in the premises, and then had proclamation made, in His Majesty's name, that all persons on the east side of the river should render due submission and respect to himself as chief and others as subordinate officers of the colony. Captain Cantwell suggested that there were many Swedes and Finns present who did not understand what was being said and done; as the English language was strange to them. Fenwick's reply was, that they knew enough to accept his deeds for large tracts of land, and should therefore recognize his authority. The Captain also hinted that a small tax had been levied by the collector at New Castle, on the people of the eastern shore; but the Governor advised them not to pay the same, and would save them harmless if they so refused. It is apparent that Captain Cantwell, Justice Outhout and others, of the dignitaries of New Castle, had been invited by Governor Fenwick to make a visit to New Salem, on the day of election, and observe the pure and simple manner in which the people selected their rulers. A much better feeling existed between the rival authorities than at the first, and there is evidence that the Commander at the fort and the Governor of Fenwick Colony became warm friends, which led to much leniency on the part of the former toward the latter, when the power of Governor

Andross was to be exercised against the usurper on the eastern shore.

The election over, the festivities of a plentiful board were to be enjoyed, which, no doubt was spread, so far as a limited space would allow, with an eye to the proper entertainment of the distinguished visitors. The Governor would not neglect this opportunity of showing that it was a government in operation in all its parts, and they were the guests of the chief proprietor. Military uniforms among plain Quaker garbs was a wide and striking contrast, but the good cheer set before them strengthened friendship and banished ill feeling. Speeches were made, discussing the position of affairs on either side of the river, and an end of contentions hoped for.

After a long space of time the news of this visit reached the ears of the Governor's council at New York (the Governor having sailed for England November 17th, 1677), and orders were sent to New Castle to know what was seen, said and done on that occasion, and report the same to headquarters. In obedience to this, Commander Christopher Billop, who had held that position since August 24th, 1677, convened a private court, May 9th, 1678, at the fort, when depositions of those who had enjoyed the the hospitality of Governor Fenwick were taken, and sent as directed.

On May 22d the Governor's council held this evidence under advisement, and after much grave deliberation sent an express to New Castle directing the Commander to notify Major Fenwick of his parole and to desist from assuming any powers of government on the east side of the river. In due time the express found its way to New Castle, and Thomas

Wolleston, under Sheriff, was despatched by the Commander, June 3d, with a note to the Major, informing him of the orders and requesting a compliance with the same.

Immediately upon the receipt of this the Major indited a long epistle, addressed to "my friends and neighbors," meaning Commander Billop and his associates at the fort, and sent it by the returning messenger. The substance of the reply was the same he had always made, and intimating that he should continue in his present service, and not cease but by command of the King. That the five hundred pound bond had been relaxed by the court, and his parole not binding him thereto, he was at liberty to act or not to act upon Lord Berkley's interest. That he would not answer any summons or writ coming from Governor Andross or his council, and neither would he go to New York alive.

Two days after, the Commander and Justices forwarded a synopsis of the Major's answer to New York, and further stated that he was desperately in earnest; that bloodshed must follow if another attempt was made to arrest him. During this controversy a warm friendship had sprung up between Commander Billop and Governor Fenwick, much to the annoyance of the Justices at the fort and the authorities at New York. Good came out of it, however, as Fenwick was persuaded to abandon his defiant position and say that he would respect his parole and proceed to New York. This was brought about by an assurance coming from his friend, the Commander, that no severe punishment should be inflicted if he so acted. The Justices could see how much such promise would militate against the purpose of his

arrest, and expressed their regret that such kindly feelings existed between Governor Fenwick and Commander Billop, and like William Penn and others, in their instructions to Richard Hartshorne and his associates, were afraid the plausibility and shrewdness of the one would overcome the duty and obligations of the other. At the request of the Justices, Commander Billop proceeded to New Salem and informed the Governor that they would take no action against him if he would consent to go within twenty days; to which he made no objection.

According to promise, he started, and on his way stopped at New Castle, where he was the guest of the Commander, who extended to him the hospitalities of the place and entertained him in a manner consistent with the high position he claimed to fill, rather than as an offender going to trial and punishment. While he was there, arrangements were made that his journey should be by land, although a sloop was then waiting to convey him, by order of the New York council. The going by land the Justices at New Castle regarded as an easy means of escape, but the Commander, not having such fears before his eyes, took the responsibility. This was, no doubt, as the Governor preferred, giving the opportunity to stop at Burlington, and consult the London and Yorkshire Commissioners, as well as to convince his enemies that he had no fear of being deposed when a fair and unbiased hearing of his case could be had. From Burlington he crossed the country along the Indian trail, then a mere bridle path winding through the forest, to head the streams and avoid the hills; with only the cabin of the native where to take rest or refreshment. He left New Castle July 24th, 1678,

and, beside the guides, his retinue doubtless consisted of attendants and servants, to give dignity and character to his position as well as to show his New York rivals that he relinquished nothing by his voluntary appearance before them.

Governor Andross having returned from England August 8th, 1678, with better understanding of the dispute, and with instructions more definite in regard to it, a court was convened August 22d, when copies of the charges were furnished the defendant, who requested time to examine them and prepare an answer. These were, generally, that John Fenwick had disregarded his parole, continued to exercise supreme authority on the eastern shore of the river, and harassed the settlers who did not recognize his title or possession under the grant of Lord Berkley. The documents brought over by the commissioner were procurable, and sustained Fenwick in his position; proving the authority under which he exercised the rights in question, and much better showing the usurpations of the Duke of York by whose commission Governor Andross was acting. The harassing of settlers was not denied, for the reason that they were trespassers, having no title to the land from him. The points at issue were the same as those of the first trial, and, as then, failed to procure an acquittal. An appeal was filed, coupled with an intention to go to England and lay the grievances before the King, in case a rehearing was not granted. The appeal was denied and orders issued to prevent Fenwick's departure from the colony. The order was relaxed, or withdrawn, as Fenwick returned home soon after the trial, and continued to exercise his authority as before. Nothing but his arrest and

imprisonment would prevent him from selling and conveying his land as chief proprietor or acting as Governor of Fenwick Colony. He probably recrossed the State, in going to Salem, by way of Burlington, to inform his friends there of the treatment he had received and of his policy in the future. The Burlington folk had avoided a controversy with Governor Andross by accepting commissions from him, which Fenwick refused to do, and hence the annoyances that had befallen him.

The neighborly acts of Commander Billop toward Governor Fenwick cost him his commission, as he was ordered to New York, September 13th, to answer the many charges there to be made against him, and deliver over the fort and its contents to his successor named. The caution, hinted to Richard Hartshorn, was, perhaps, well directed by William Penn, who knew the person with whom he had to deal, and with what success he made his own appear the better cause. Governor Andross having discovered the truth too late, used the only means at hand to counteract its effect upon his policy.

Commander Billop appears to have been an easy going sort of officer; lacked dignity, and fell into many careless ways. He used the fort for a horse stable, and the court room above, as a place for hay-and fodder. His pigs also had much liberty within the walls, and he used the soldiers to attend to his private affairs, instead of practieing them in their military duties. He came altogether short of the requirements of the lesser officials thereabout, who complained to the Governor of his inefficiency, and he was therefore removed from the important and responsible place he had so poorly filled.

John Fenwick had scarcely received the congratulations of his friends and neighbors at New Salem for his safe return, when information was sent to Governor Andross that his rival was again discharging his duties as Chief Executive of the Salem tenth. On October 28th orders were expressed to New Castle to protect all persons on the eastern shore who were being molested by Fenwick in the quiet possession of land held under titles made before the coming of the English, and to advise the council if he persisted in this course of conduct, so that summary proceedings might be had and he be punished.

About this time Governor Andross established a court at Elseborg (the old fort) for the purpose of adjusting disputes between the new comers and the old inhabitants, touching the title and possession of land on the east side of the river; consisting of six judges, any four of whom should be a quorum, with Foppe Outhout as president. This court could not hear cases "extending to life, limb or member;" and to be appealable, a judgment must exceed five pounds. Nothing, however, was accomplished by this. Previously to the creation of this court, several suits had been commenced against the Patroon at New Castle, by persons claiming land within his tenth, but which were never brought to an issue. Dissatisfaction was created in the minds of the Dutch, Swedes and Finns, as to the title to their land, which they had received from the chief proprietor, by the persistent efforts of Governor Andross in that direction, but which he (Fenwick) had always made efforts to quiet. In proof of this he issued a proclamation (June 8th, 1683) requesting them to come to his house, near New Salem, on the 26th inst., to there set forth their

grievances and hit upon some means of adjustment. This time a settlement was reached by their consenting to pay a yearly quit-rent to the Patroon, which though nominal, was a recognition on their part of his lawful right to convey, and that his title to them was sufficient. Some of these lists of assessments are still in existence, and show that such annual payments were made for some years after Fenwick's death.

The court at New Salem, as established by the "methods" agreed upon in the beginning, held regular sessions, and transacted the little business of the colony coming before it in a systematic manner: making record of all things necessary to be preserved for future reference. The identity of their enterprise was all important to them, for if the executive and judicial powers were neglected or disregarded, other like elements would soon be infused from another source and destroy it.

To all the proceedings of a legal nature originating at New Castle or New York, either civil or criminal, John Fenwick made but one answer; denying their authority or jurisdiction and never admitting by word or deed, any claim under the Duke's second patent from the King, within the limits of the ten lots. The discussion of these questions, so important to all the owners in West New Jersey, was not confined to this side of the Atlantic ocean, but caused much feeling among interested parties in and about London. The best legal minds in the realm were enlisted, pro and con, and generally decided as retained. The Crown officers were divided in opinion, and some evaded the points at issue entirely. William Penn, with his immediate and prospective interests in the

territories of America, was no mean advocate for sustaining the grants under the Duke's first patent, and by his plain common sense view of the subject won many to his opinions. The "weight of authorities" leaned toward that side, and after a careful review of the whole subject by Sir William Jones, "the greatest lawyer in England," who so did by request of James, the first patent of the King to the Duke was held to be a valid instrument in law, and hence all subsequent grants under it of equal force. Some hesitancy existed after Sir William's opinion, but the deed of the Duke of York to the West New Jersey proprietors, August 6th, A. D. 1680, put an end to all trouble henceforth touching a question so long mooted among those of high legal attainments, the great contracting parties, and the men who laid the foundation of a Republic; the influence of which is now felt throughout the world.

A review of this controversy shows to what extent the Duke of York was disposed to carry his authority, questionable as it was in a legal, and censurable as it was in an equitable point of view, against those to whom he had assured both the title and government of West New Jersey. Its effect was to delay, and but for the indomitable perseverance of a few men, would have, for the time being, defeated the settlement of the territories in this part of America. Nothing was due to the forbearance of the Duke or a desire on his part to act fairly with those whose money had been invested in this scheme, and who alone must be the losers if his purpose had prevailed. The education of John Fenwick gave him a comprehensive view of the whole subject, and if precedent was worth anything, the opinions of able exponents of the legal

points involved were to be regarded, and the plain common sense meaning of the grants not entirely ignored, then his premises were well taken and the right must ultimately prevail.

While this exciting question was pending, and which was continued for nearly three years, the religious duties of sympathizers and participants would sometimes be neglected. Careful as the heads of the Church might be to guard against inconsistencies among members, yet the flesh would occasionally under such trying circumstances control the spirit and cause some to go astray. Among these was John Fenwick, who, with a multitude of cares, other than defending his rights, absented himself too often from religious meetings, and perchance indulged in language hardly up to the standard looked for among the elders of the Society. At a regular monthly meeting of the Salem Friends, held Third month 6th, 1677, Christopher White and Richard Guy were appointed a committee to visit John Fenwick to know "if he owneth the truth which he formerly professed, or not."

This inquiry explains at once the light in which he was regarded by those who made their paths narrower and kept their ways straighter, and who felt called upon to remind others of their short comings; whose advice had been to follow the course of the commissioners of the ninety parts and accept a condition of things that could not well be avoided. However much the profession of non-resistance and passive obedience might adorn the walk and conversation of Quakers generally, yet John Fenwick too well understood how such concessions would be viewed by his enemies, and the damaging effect such course would have upon the defence of his rights. It some-

times requires a nice discrimination to know where the one ends and the other begins; and such distinctions were not regarded by the chief proprietor, however palpable they might appear to others. His reply to the committee proves his regret at finding it necessary to so conduct himself, but intimates that he is clear of censure. Their report was "that John Fenwick hoped he had the truth which he formally professed, and was willing to have a letter read which he had sent to George Whitehead and William Gibson before they came to our meeting about three months ago." The reply appears to have been satisfactory, and the conduct of the erring member, from a religious standpoint, was not soon again called in question. No distrust of his sincerity, as a consistent member, appears until the Seventh month 5th, 1681, when George Deacon, John Forest and Charles Bagley were requested "to go to John Fenwick and let him know that Friends have taken notice of his careless walking in respect to truth, and let Friends know whether he hath a desire to walk more circumspectly for time to come." There is more significance in this "minute" than in the first, and shows that the Governor had fallen away from his religious duties and was becoming more wayward than was deemed good for the Society. His case was regarded charitably, in view of the many vexations that had beset him, but the rules could not be too far trespassed or their influence for good endangered and their profession scandalized. In his answer is shadowed some of the reasons for his conduct, and that even among his neighbors and associates he found enemies. It reads in this wise:—

"That he loved the truth above all things and

that he loved honest Friends, but he had his failings as well as others; but he could freely forgive them that were the occasion of it, and desired to have his love remembered to Friends, and that he loved truth above all things."

After this entry his name does not again occur in the minute books of the Salem Friends, and the inference may be that no further notice was taken of his conduct; that gradually losing his interest in the Society, he was suffered to neglect its requirements, and at last abandon it altogether. The prominent position he had occupied among them, the much he had suffered in person and estate to save them harmless, and the many other services he had rendered, softened the feeling of censure and his faults were passed over in silence.

George Fox visited Salem, on one occasion, where he found trouble in the meeting, and used his endeavors to adjust them. Some of these perhaps related to the conduct of the Patroon. The note in his journal reads:—

"After meeting (at Chester) we took boat and went to Salem, about thirty miles, where there lived John Fenwick and several families of Friends from England. We got Friends together and had a meeting; after which we had the hearing of several differences and endeavored to make peace among them."

Although the advancement of the colony was hindered by the foregoing, and other difficulties incident to such an undertaking, yet land was sold, the towns laid out assumed shape, and many settlements began to show themselves in various parts of the territory.

Upon the arrest of the Patroon by the soldiers from New Castle, beside his person, they carried off many deeds not yet signed for land sold, and took them to New York with their prisoner. Strange as it may seem, Governor Andross allowed them to be executed and delivered to the purchasers; when one of the most important points of difference was the sale and conveyance of land on the eastern shore under other title than such as should be derived through himself. This was one of the many inconsistencies that show themselves in the conduct of Governor Andross toward the Salem people, and irreconcileable with the claim of the Duke of York under his second patent and his instructions to his officers in America; but entirely in keeping with the declared purpose of John Fenwick on every proper occasion touching his policy. Salem being the seat of government, the county town, and the residence of the Patroon, increased much more rapidly than Alloways or Cohanzie, and in short space became quite a place of trade. Gabriel Thomas, in his odd manner of writing things, says that Salem is "a fine market town, having several fairs kept yearly in it, likewise well furnished with good store of most necessaries for human support; as bread, beer, beef and pork, as also butter and cheese, of which they freight several vessels and send them to Barbadoes and other Islands."

After Shrewsbury, the first Friend's meeting in New Jersey was here settled; as were also the yearly meetings of the Society for Pennsylvania and New Jersey. Burlington and Philadelphia, as the settlers increased, being found more central, this important assemblage was afterwards alternated between those

towns, but at last settled at the latter place. The policy of the Duke of York, as enforced through his officials in America, was also felt by those who held the ninety parts of West New Jersey, and sought to establish a government after their own model. The liberality of this soon attracted the attention of the people, particularly those following in the footsteps of George Fox, and the territory was rapidly settled. The "concessions and agreements of the proprietors, freeholders, &c., of West New Jersey," were signed March 1st, 1676-7. The commissioners arrived August 16th, in the next year; yet the government was not put in motion until November 21st, 1681; caused no doubt by the trouble growing out of the two patents about which so much has already been written.

It is easy to discover that John Fenwick did not regard the interests of the owners of the ninety parts as antagonistic to his own, and gradually allowed the "methods" of Fenwick Colony to be merged into those of the government at Burlington. The first legislature sitting at the last-named place (November 21st, 1681), passed laws and appointed officers for Salem County; which laws were enforced, and the officers discharged their several duties without hindrance. Something more than one year after that date (March 23d, 1682), John Fenwick conveyed to William Penn all his remainder in West New Jersey, excepting one hundred and fifty thousand acres, which conveyance extinguished Fenwick's right as a proprietor in the colony and removed all doubt in regard to the powers of government before existing. The reserve, in this deed, of the privilege to hold a court baron and a court leet, within the limit of the one

hundred and fifty thousand acres, shows the attachment of the grantor for the usages that belonged to estates in England, and his desire to entail some vestige of the old feudal system, incident to the ancient manors of his native land, to his family and those coming after them. In making his will, the same idea crops out, in which he sought to perpetuate this peculiar judicial privilege by appointing a clerk to the courts, with provision for the continuance of the office. The gradual narrowing down of the limits of his territory, from the one-half of New Jersey to the ten lots, and then to the one hundred and fifty thousand acres, did not weaken his notion that he was chief proprietor and held absolute authority. That the prerogatives of the English barons attached to the manors, as he had defined them, and among these the right of dispensing justice in a rude but summary way, at variance with the advanced notions of those around him, nor consistent with their ideas of government as then understood. Their remedies were in other channels, and it is possible these courts only existed in the imagination of the Patroon, when he was seeking a device to perpetuate his name and estate to future generations. The leaven of continuity in landed titles had not lost its vitality, even when freed from all its restraints; and the palsied hand of the owner sought to keep alive the features of a system, the opposite of which he had labored so faithfully to establish, and whose good effect was already radiating across the ocean. No attractions for these ancient usages passed with the estates; hence no record of their continuance comes down to the present generation; showing there was no intention to hinder the advancement and success of a government that assured to all equality before the law.

On the second day of the Third month, 1683, John Fenwick was returned as a member of the Colonial Assembly from the Salem tenth; but on account of ill health, which continued until his decease, he never sat as a member of that body. In this act is shown the complete absorption of the political rights and franchises, incident to the estate held in the ten lots, by the colonial authorities of West New Jersey, and which appears to have been brought about peacefully and for the evident good of all concerned. This end was foreshadowed in the previous signing of the concessions and agreements by very many of the land owners, who held their titles from Fenwick, and who had heretofore given their adherence to his government as established in 1675, but joined their fortunes with the more numerous colony and made common cause in advancing religious and political equality; to be enjoyed by all who ventured across the sea and fixed their homes within the limits of West New Jersey.

Here terminated the first form of a representative government established by the people. Rude and ill-defined as it was, sufficient appears to show that only time and occasion were wanting to develope its several parts and secure to all, the blessings to be derived from like institutions. The government established by the owners of the ninety parts was like in substance, but yielded to the people no greater privileges, nor more enlarged rights. This cannot but be interesting to those who care to trace the beginning of our present political institutions, and study the gradual but positive development of a system that has its foundation in the hearts of the people; to discover that no retrograde step had been taken in the funda-

mental doctrines of private or public rights, and that a jealous care had been exercised that none be infringed.

The Patroon, in his manner of living, was more pretentious and aristocratic than any of his neighbors. His houses at Ivy Point and at Fenwick Grove were well appointed; proving that he had an eye to the creature comforts as well as to dignity and exclusiveness. The day had not come for wheeled carriages in the Salem tenth, but his stable included good saddle horses, with every thing complete for the equestrian. A favorite road animal, "Jack," he makes special mention of in his will, and puts him in care of his trusty servant, Mary White, "who I desire to take care of him and see that he be not wronged as long as he liveth." His education as a cavalry officer in the army of the Commonwealth, now served him, and however much he may have wished to disceard the memories of his fighting days, yet in the saddle his grace and confidence as a rider could but be noticed. The library of books at each place he regarded with much interest, and directed their preservation after his decease; and touching his private papers he charges his executors with their care, and especially that they be not taken out of the colony. His agreement with the resident purchasers he wished to have religiously carried out and was anxious that his executors should see to the discharge of every obligation. His plantation at Fenwick Grove, had many attractions for him, it being several miles from Ivy Point, where he could enjoy his leisure and look after his farming interests. He was systematic in his business affairs and always knew from his accounts whether a matter in hand was profitable or otherwise.

For the day in which he lived, his agricultural operations were extensive and yielded him a fair return. He does not appear to have had any slaves, but employed several persons about the estate, the whole being under his general superintendence. In the autumn of 1683, his health failing, he accepted an invitation from his favorite daughter, Ann, and placed himself under her care at Hedgefield; where he died in December of the same year. Her devotion to him remained the same through all the vicissitudes of his life, and with filial affection she cared for him on his dying bed.

Although in the depths of an American forest, and far from the land of his nativity, yet there were those around him in whose veins flowed his own blood, whose sympathies were enlisted for his welfare, but who were soon called upon to mourn his death. In him passed away one of the most remarkable men of his day and generation. His early manhood was spent in the excitements and participations of a war that overthrew the government, and well nigh destroyed the nation; while his middle life and latter days were occupied in an enlarged philanthropy to benefit his fellow man, by giving scope to his energies, with the certainty of reward to himself, and through him to his descendants; with the title of his land freed from the tenures of the feudal system, and without restraints, save those based in equity and good government.

In relation to the final disposition of his remains, he requested in his will that they be interred at Fenwick Grove. For some reason this was not complied with, as he was buried in "Sharp's family burying ground," long since abandoned for that use, and now nearly lost sight of. It is located near the

present Almshouse property, of Salem County, overgrown with briars, and known to but few as the last resting place of the founder of Fenwick Colony.

Nearly two centuries have passed away, and not the rudest monument has been placed to show where his bones are laid. Generation after generation of his kin have neglected even to preserve a mound of earth to show his grave, and at this day "no man knoweth the place of his sepulchre." But a more enduring monument has survived him. His landed estate is covered with an industrious and happy people, in the enjoyment of free institutions, with no religious or political restraints; advancing in agriculture, commerce and manufactures, and participant in a degree of civilization that has no parallel in the world.

In his will, which is a curious and characteristic document, and bears date the seventh day of August, 1683, John Fenwick makes no mention of his wife, who was living in London at the time it was executed; and appears to have had a separate estate which she used for her own comfort and convenience. This separation produced an indifference toward each other, which ended in a complete estrangement of feeling, and mutual disregard. Neither is there anything to show that she made claim on his estate or received from his executors or devisees any money arising therefrom. Nothing more is known of this relation, the lapse of time having obliterated every tradition in regard to it.

The oldest daughter, Priscilla, was married to Edward Champneys, of Thornbury, Gloucestershire, joiner, at the house of John Curtis, in Reading, on the sixteenth day of February, 1671. The Patroon was evidently on bad terms with his son-in-law, and

in his will leaves directions that he have no charge of his children's estate as in his will devised. His first settlement was at Alloways Creek, but in a short time he removed to Salem and erected a dwelling near that of his father-in-law, at a place he called Blanford Grove, and where his occupation was that of "Barber and Chirurgeon," having abandoned the making of furniture and turned his attention to shaving and phlebotomy. The house was standing within the last fifty years, as was also that of the Patroon at Ivy Point.

Priscilla died before her father, leaving two children, John and Mary, both of whom were born in England. They were regarded by their grandfather with much interest, and care was taken by him that they should have their full share of his estate, and so secured that they alone should enjoy it.

Edward Champneys married the second time, by which marriage there was one child, James, who grew to manhood and married. Edward Champneys died without a will, in 1706.

The name, for want of male issue, in a few generations was lost sight of in Salem county, although the blood may be traced through some female descendants.

Elizabeth, the second daughter, married John Adams, of Reading, Berkshire, weaver, and had five children, Elizabeth, Fenwick, Mary, Walter and Ann. The first three were born in England and the last two at New Salem.

John Adams had not the confidence of the Patroon, from some cause unexplained; and neither did his son Fenwick meet the approbation of his grandfather in his walk and conversation; evidenced by several expressions in his will. At that time he was about

seventeen years of age and had, perhaps, developed some traits of character not to the liking of the Patroon, who thought best to place some guard around the estate he was about to devise him.

The conduct of Elizabeth, the oldest child of the daughter Elizabeth, was a source of grief and mortification to her family, and doubtless did much to carry the gray hairs of her grandfather in sorrow to the grave. He does not disguise the sense of shame that hangs over him, from her course of life, and strives to make her understand his displeasure by depriving her of any part of his property, immediate or prospective, but on certain conditions. It is possible that Elizabeth also died before her father, as her name is not mentioned in his will, and the devises therein made are to her children directly; an inference that would naturally follow the reading. The descendants of this branch of the family are more numerous than of either of the other daughters.

The youngest daughter, Ann, married Samuel Hedge, in the spring of 1676, and soon after their arrival in New Jersey. These young people had "plighted their troth" before the expedition left England, and Samuel, determining that the broad ocean should not separate them, took passage in the good ship Griffith, thus making the voyage for his affianced and himself much less tedious and dreary. This was a fortunate conclusion on his part and produced excellent results, as he became a favorite of the Patroon, and so remained through all the troubles of the colony. By this marriage there appears to have been but one child, Samuel, who was also specially cared for by his grandfather in the disposition of the broad acres of his domain.

Samuel Hedge, Jr., (generally known as Samuel Hedge the third), died in 1708, leaving a will, and before his father. His widow, Rebecca, and the following-named children, survived him; Samuel, Fenwick, William, Nathan and John, all minors. This branch of the family was limited, although the blood may be traced in many of the genealogies in West New Jersey.

It was no doubt a regret on the part of John Fenwick that no son of his survived him; that his blood in the male line ceased to flow when his own life was ended; and although his estate did not pass to his collateral descendants, yet he knew that immediately upon his decease his name would have no continuance. He could reflect with pride upon a long line of ancestors whose name he bore, and who were so honorably and so intimately connected with the great events of his native land. He could discover in his own life that he would not be altogether forgotten when the history of his adopted country should be written; and although his course of conduct might not be understood by many of his contemporaries, yet he was assured that the impress of his purposes and acts, would eventually prove a blessing to those coming after him. It was an excusable ambition that he should wish to perpetuate his name in connection with a favorite and successful adventure; that a child in the male line should survive him; and so for generations combine the name and blood among those whose ancestors were his associates in the beginning.

The social and business intimacy existing between William Penn and John Fenwick is a striking feature in the lives of these men. Their religious views doubtless brought them much together, and their

various business relations increased their knowledge of each other as they advanced in years. In financial matters it may be safe to say that the Governor of the Salem tenth was always the debtor; but Penn took no advantage of his position, and remained a friend when nearly all others had deserted him. The decision in the Fenwick and Ballynge dispute weakened the regard for each other for a season, but the second sober thought swept away all animosities and found them as before the difficulty. Had any suspicion of ill feeling toward William Penn lurked in his mind, the reading of his will would banish it forever. His request for him to act as one of the executors and take control of the persons and estates of his grandchildren, was a degree of confidence but seldom shown by one man toward another. Their interest in the colonies in America, who alike ventured everything for their success, was not one of rivalry, but regarded as common, and made their intercourse more frequent and their friendship more lasting. Perhaps no greater difference could exist in the disposition and temper of two individuals. The one, prudent in the use of language, slow to arrive at conclusions, always ready to admit an error of judgment, attractive in his conversation, and winning the confidence of his associates. The other, of quick perception and ingenuous of speech, hasty in his decisions and stubborn of opinion, estranged many of his friends and left room for prejudice and misrepresentation. There was a similitude in the trials and vexations that attended them in their efforts to advance the settlement of their lands. Uneasy spirits found their way among those interested in the soil, and by plausible pretexts created trouble and dissatisfaction.

The best of motives and the purest of intentions were too often construed into selfish purposes, and no explanation could destroy the feeling of opposition or silence the voice of abuse. Knowing that any great departure from the policy first adopted would much endanger their interests and weaken their claims, it was natural that suspicion should be aroused and the new policy objected to. The control of affairs gradually passed to other hands, and the founders of the colonies were without remedy, either in the courts or before the people. It was left for other generations to do them justice, after the influence of political rivals had passed away, and the demands of importunate creditors satisfied; the energy and enterprise of the people brought about the advantages and blessings sought to be developed from the beginning. The founder of the Salem Colony died, however, before much progress had been made in the settlement of New Jersey; but the tide of emigration set in upon its shores and each succeeding year showed an increase of population.

Through the various changes that have occurred since the covenants for a representative government were signed by the Adventurers into the Salem tenth, these covenants have always been regarded by the people, and the memory of the Adventurers cherished.



"Friends

It would seem that any disregarded by the masses, as seeks reverently to uplift the our present life is but the "I back into the dim cloud land men have been linked togethered by the thought, that the experience of its predecessors grand panorama of events, the vast domain of enquiry, the world, struggling onward the Creator.

Impressed by these solemn era in the march of Christianization, to trace out the service of its influence has been Heaven proportionate to the fidelity or attested in the present general national disputes by arbitration numbers; in the appeals made

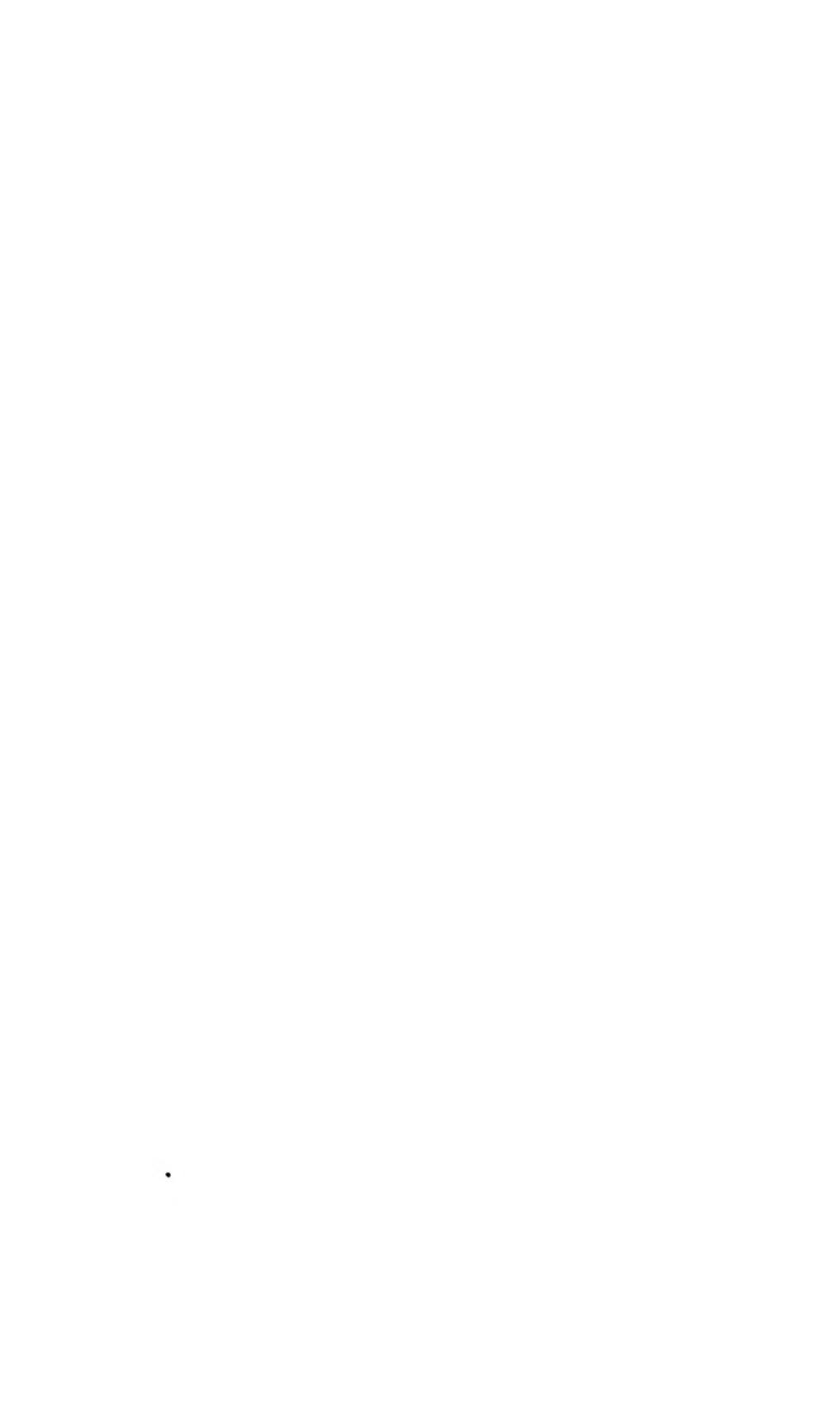
mm

"Friends' Historical Association."

AN APPEAL.

On the Bayou
in the
Red River.





SAF 340







LIBRARY OF CONGRESS



0 014 206 848 5